

# LOCAL GOVERNMENT ACT, 1934

Reprint No. 1—1.10.91	
Reprint No. 2—1.1.92	[New Parts III, VA and Appendix]
Reprint No. 3—21.5.92	[New Parts I, IV, VI, VII, X, XI, XVII, XLV, Schedules and Appendix]
Reprint No. 4—6.7.92	[New Parts II, IV, VI, VII, XXXIX, XLVI and Appendix]
Reprint No. 5—8.10.92	[New Parts I, VI, VII, IX, X, XII, XIII, XVII, XXIIA, XXV, XXXIX, XL, XLI, XLII and Appendix]
Reprint No. 6—29.10.92	[New Part XLV and Appendix]
Reprint No. 7—22.4.93	[New Part XXXIX and Appendix]
Reprint No. 8—27.5.93	[New Parts XII and Appendix]
Reprint No. 9—1.7.93	[New Parts I, III, IX, X, XII, XXXIX and Appendix]
Reprint No. 10—1.10.93	[New Part V and Appendix]
Reprint No. 11—15.1.94	[New Parts III, VI, X, XXXVIII and Appendix]
Reprint No. 12—21.5.94	[New Part VI and Appendix]
Reprint No. 13—31.5.94	[New Parts II, VI, X and Appendix]
Reprint No. 14—1.7.94	[New Parts I, II, X, XVII, XXXIX, XLV and Appendix]
Reprint No. 15—1.8.94	[New Part XXXIX and Appendix]
Reprint No. 16—8.12.94	[New Parts VII, XXXIX and Appendix]
Reprint No. 17—1.1.95	[New Parts XL, XLII and Appendix]
Reprint No. 18—2.2.95	[New Part XXXV and Appendix]
Reprint No. 19—15.5.95	[New Parts XXV, XLV and Appendix]
Reprint No. 20—1.7.95	[New Part XXXIX and Appendix]
Reprint No. 21—23.11.95	[New Part X and Appendix]
Reprint No. 22—31.12.95	[New Parts I, II, III, X, XXXIX and Appendix]
Reprint No. 23—8.8.96	[New Part II and Appendix]
Reprint No. 24—4.11.96	[New Parts I, X, XVII and Appendix]
Reprint No. 25—1.1.97	[New Parts XVII, XXII, XXIV, XLV and Appendix]
Reprint No. 26—6.2.97	[New Parts II, V, VA, VI, VII, VIII, X, XLIA, XLII and Appendix]
Reprint No. 27—27.3.97	[New Parts IV, VII and Appendix]
Reprint No. 28—1.6.97	[New Part V and Appendix]
Reprint No. 29—7.8.97	[New Parts II, VI, X, XIII, XL, XLIA and Appendix]
Reprint No. 30—31.10.97	[New Part VA and Appendix]
Reprint No. 31—17.11.97	[New Part I and Appendix]
Reprint No. 32—16.4.98	[New Part XLV and Appendix]
Reprint No. 33—3.9.98	[New Parts II, VI and Appendix]
Reprint No. 34—1.10.98	[New Parts I, II and Appendix]
Reprint No. 35—17.12.98	[New Parts XXXVIII, XLVI and Appendix]
Reprint No. 36—15.4.99	[New Part X and Appendix]
Reprint No. 37—19.6.99	[New Part XXXV and Appendix]
Reprint No. 38—7.10.99	[New Part XXXI and Appendix—Remove Part XXXII]
Reprint No. 39—1.12.99	[New Parts XXII, XXXIX, XLII and Appendix—Remove Part XXIIA]
Reprint No. 40—1.1.2000	[Whole Act replaced]

[Subscribers to the Consolidation Service will receive complete replacement Parts incorporating amendments to this Act as they come into force.]



SOUTH AUSTRALIA

**LOCAL GOVERNMENT ACT, 1934**

*This Act is reprinted pursuant to the Acts Republication Act 1967 and incorporates all amendments in force as at 1 January 2000.*

*It should be noted that the Act has not been revised (for obsolete references, etc.) by the Commissioner of Statute Revision since the reprint published on 1 March 1989.*

## SUMMARY OF PROVISIONS

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**APPENDIX  
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# LOCAL GOVERNMENT ACT, 1934

being

Local Government Act, 1934, No. 2156 of 1934  
[Assented to 25 October 1934]<sup>1</sup>

as amended by

Health Act, 1935, No. 2238 of 1935 [Assented to 19 December 1935]  
Statute Law Revision Act, 1935, No. 2246 of 1935 [Assented to 19 December 1935]  
Criminal Law Consolidation Act, 1935, No. 2252 of 1935 [Assented to 21 December 1935]<sup>2</sup>  
Grange Recreation Reserve Act, 1936, No. 2284 of 1936 [Assented to 24 September 1936]  
Statute Law Revision Act, 1936, No. 2293 of 1936 [Assented to 8 October 1936]  
Public Library, Museum, and Art Gallery, and Institutes Act, 1936, No. 2314 of 1936 [Assented to 26 November 1936]<sup>3</sup>  
Local Government Act Amendment Act, 1936, No. 2331 of 1936 [Assented to 3 December 1936]  
Highways Act Amendment Act, 1938, No. 2388 of 1938 [Assented to 25 August 1938]<sup>4</sup>  
Local Government Act Amendment Act, 1938, No. 2424 of 1938 [Assented to 19 December 1938]  
Weights and Measures Act Amendment Act, 1939, No. 9 of 1939 [Assented to 5 October 1939]<sup>5</sup>  
Local Government Act Amendment Act, 1939, No. 43 of 1939 [Assented to 21 December 1939]  
Local Government Act Amendment Act, 1941, No. 17 of 1941 [Assented to 30 October 1941]  
Noxious Trades Act, 1943, No. 34 of 1943 [Assented to 23 December 1943]<sup>6</sup>  
Local Government Act Amendment Act, 1946, No. 16 of 1946 [Assented to 31 October 1946] (as amended by s. 3 of Local Government Act Amendment Act (No. 2), 1972)  
Local Government Act Amendment Act, 1948, No. 51 of 1948 [Assented to 22 December 1948]  
Local Government Act Amendment Act, 1949, No. 56 of 1949 [Assented to 8 December 1949]  
Local Government Act Amendment Act, 1951, No. 46 of 1951 [Assented to 13 December 1951]  
Local Government Act Amendment Act, 1952, No. 21 of 1952 [Assented to 6 November 1952]  
Local Government Act Amendment Act (No. 2), 1952, No. 48 of 1952 [Assented to 4 December 1952]  
Local Government Act Amendment Act (No. 1), 1954, No. 17 of 1954 [Assented to 28 October 1954] (as amended by s. 4 of Local Government Act Amendment Act (No. 2), 1972)  
Local Government Act Amendment Act (No. 2), 1954, No. 56 of 1954 [Assented to 23 December 1954]  
Local Government Act Amendment Act, 1956-1957, No. 1 of 1957 [Assented to 21 February 1957]  
Statute Law Revision Act, 1957, No. 42 of 1957 [Assented to 14 November 1957]  
Local Government Act Amendment Act, 1957, No. 54 of 1957 [Assented to 28 November 1957]  
Local Government Act Amendment Act, 1959, No. 34 of 1959 [Assented to 3 December 1959]  
Local Government Act Amendment Act (No. 2), 1959, No. 50 of 1959 [Assented to 17 December 1959]  
Road Traffic Board Act, 1960, No. 41 of 1960 [Assented to 7 November 1960]<sup>7</sup>  
Local Government Act Amendment Act, 1961, No. 30 of 1961 [Assented to 9 November 1961]  
Local Government Act Amendment Act, 1963, No. 39 of 1963 [Assented to 28 November 1963]<sup>8</sup>  
Local Government Act Amendment Act (No. 2), 1963, No. 60 of 1963 [Assented to 5 December 1963]  
Local Government Act Amendment Act, 1964, No. 54 of 1964 [Assented to 5 November 1964]  
Statute Law Revision Act, 1965, No. 39 of 1965 [Assented to 9 December 1965]  
Local Government Act Amendment Act, 1965-1966, No. 28 of 1966 [Assented to 24 March 1966]  
Local Government Act Amendment Act, 1966, No. 66 of 1966 [Assented to 24 November 1966]  
Harbors Act Amendment Act, 1966, No. 89 of 1966 [Royal Assent proclaimed 2 March 1967]<sup>9</sup>  
Local Government Act Amendment Act, 1967, No. 36 of 1967 [Assented to 14 September 1967]  
Local Government Act Amendment Act (No. 2), 1967, No. 51 of 1967 [Assented to 26 October 1967]<sup>10</sup>  
Local Government Act Amendment Act, 1968, No. 15 of 1969 [Assented to 6 March 1969] (as amended by s. 5 of Local Government Act Amendment Act (No. 2), 1972)  
Local Government Act Amendment Act (No. 2), 1969, No. 16 of 1969 [Assented to 6 March 1969]

**NOTE:**

- Asterisks indicate repeal or deletion of text.
- Entries appearing in bold type indicate the amendments incorporated since the last reprint.
- For the legislative history of the Act see Appendix.

Local Government Act Amendment Act (No. 3), 1969, No. 89 of 1969 [Assented to 11 December 1969]<sup>11</sup> (as amended by s. 6 of Local Government Act Amendment Act (No. 2), 1972)

Local Government Act Amendment Act (No. 4), 1969, No. 94 of 1969 [Assented to 11 December 1969]

Local Government Act Amendment Act, 1970, No. 50 of 1970 [Assented to 10 December 1970]

Building Act, 1970-1971, No. 16 of 1971 [Assented to 8 April 1971]<sup>12</sup>

Local Government Act Amendment Act, 1971, No. 107 of 1971 [Assented to 9 December 1971]

Statutes Amendment (Miscellaneous Provisions) Act, 1972, No. 58 of 1972 [Assented to 27 April 1972]<sup>13</sup>

Statutes Amendment (Valuation of Land) Act, 1972, No. 79 of 1972 [Assented to 5 October 1972]<sup>14</sup>

Local Government Act Amendment Act (No. 2), 1972, No. 113 of 1972 [Assented to 23 November 1972]

Local Government Act Amendment Act, 1972, No. 141 of 1972 [Assented to 7 December 1972]<sup>15</sup>

Rates and Taxes Remission Act, 1974, No. 16 of 1974 [Assented to 4 April 1974]<sup>16</sup>

Local Government Act Amendment Act, 1974, No. 63 of 1974 [Assented to 26 September 1974]<sup>17</sup>

Boating Act, 1974, No. 132 of 1974 [Royal Assent proclaimed 16 January 1975]<sup>18</sup>

Local Government Act Amendment Act, 1975, No. 30 of 1975 [Assented to 3 April 1975]<sup>19</sup>

Statutes Amendment (Rates and Taxes Remission) Act, 1975, No. 98 of 1975 [Assented to 20 November 1975]<sup>20</sup>

Local Government Act Amendment Act (No. 2), 1975, No. 12 of 1976 [Assented to 4 March 1976]<sup>21</sup>

Local Government Act Amendment Act, 1976, No. 77 of 1976 [Assented to 9 December 1976]<sup>22</sup>

Local Government Act Amendment Act (No. 4), 1976, No. 86 of 1976 [Assented to 9 December 1976]

Local Government Act Amendment Act, 1977, No. 1 of 1977 [Assented to 14 April 1977]<sup>22</sup>

Statutes Amendment (Rates and Taxes Remission) Act, 1977, No. 55 of 1977 [Assented to 15 December 1977]<sup>23</sup>

Local Government Act Amendment Act, 1978, No. 32 of 1978 [Assented to 6 April 1978]<sup>24</sup>

Local Government Act Amendment Act (No. 2), 1978, No. 33 of 1978 [Assented to 6 April 1978]<sup>25</sup>

Local Government Act Amendment Act (No. 3), 1978, No. 70 of 1978 [Assented to 16 November 1978]

Harbors Act Amendment Act, 1978, No. 109 of 1978 [Assented to 7 December 1978]<sup>26</sup>

Local Government Act Amendment Act, 1979, No. 50 of 1979 [Assented to 22 March 1979]<sup>27</sup>

Local Government Act Amendment Act, 1980, No. 17 of 1980 [Assented to 17 April 1980]<sup>28</sup>

Local Government Act Amendment Act (No. 2), 1980, No. 88 of 1980 [Assented to 4 December 1980]<sup>29</sup>

Local Government Act Amendment Act (No. 3), 1980, No. 89 of 1980 [Assented to 4 December 1980]<sup>30</sup>

Statutes Amendment (Valuation of Land) Act, 1981, No. 29 of 1981 [Assented to 19 March 1981]<sup>31</sup>

Statutes Amendment (Administration of Courts and Tribunals) Act, 1981, No. 34 of 1981 [Assented to 19 March 1981]<sup>32</sup>

Local Government Act Amendment Act, 1981, No. 57 of 1981 [Assented to 25 June 1981]

Local Government Act Amendment Act (No. 2), 1981, No. 61 of 1981 [Assented to 3 September 1981]

Local Government Act Amendment Act (No. 4), 1981, No. 112 of 1981 [Assented to 23 December 1981]

Local Government Act Amendment Act, 1982, No. 9 of 1982 [Assented to 4 March 1982]<sup>33</sup>

Statutes Amendment (Planning) Act, 1982, No. 62 of 1982 [Assented to 1 July 1982]<sup>34</sup>

Local Government Act Amendment Act, 1983, No. 27 of 1983 [Assented to 16 June 1983]<sup>35</sup>

Local Government Act Amendment Act (No. 2), 1983, No. 102 of 1983 [Assented to 22 December 1983]

Local Government Act Amendment Act (No. 3), 1983, No. 103 of 1983 [Assented to 22 December 1983]<sup>36</sup>

Statutes Amendment (Flood Management) Act, 1983, No. 104 of 1983 [Assented to 22 December 1983]<sup>37</sup>

Local Government Act Amendment Act, 1984, No. 7 of 1984 [Assented to 19 April 1984]

Local Government Act Amendment Act (No. 2), 1984, No. 34 of 1984 [Assented to 17 May 1984]<sup>38</sup>

Local Government Act Amendment Act (No. 3), 1984, No. 58 of 1984 [Assented to 31 May 1984]<sup>39</sup>

Valuation of Land Act Amendment Act, 1984, No. 88 of 1984 [Assented to 29 November 1984]<sup>40</sup>

Local Government Act Amendment Act, 1985, No. 13 of 1985 [Assented to 14 March 1985]<sup>41</sup>

Local Government Act Amendment Act, 1986, No. 12 of 1986 [Assented to 20 March 1986]<sup>42</sup>

Local Government Act Amendment Act (No. 2), 1986, No. 55 of 1986 [Assented to 2 October 1986]<sup>43</sup>

Rates and Land Tax Remission Act, 1986, No. 78 of 1986 [Assented to 4 December 1986]<sup>44</sup>

Local Government Act Amendment Act (No. 3), 1986, No. 80 of 1986 [Assented to 4 December 1986]

Local Government Act Amendment Act (No. 4), 1986, No. 101 of 1986 [Assented to 18 December 1986]<sup>45</sup>

Motor Vehicles Act Amendment Act, 1987, No. 12 of 1987 [Assented to 9 April 1987]

Statutes Amendment (Public and Environmental Health) Act, 1987, No. 37 of 1987 [Assented to 23 April 1987]<sup>46</sup>

Local Government Act Amendment Act, 1988, No. 33 of 1988 [Assented to 21 April 1988]<sup>47</sup>

Statutes Amendment (Local Government) Act, 1988, No. 99 of 1988 [Assented to 15 December 1988]<sup>48</sup>

Real Property Act Amendment Act, 1990, No. 9 of 1990 [Assented to 12 April 1990]<sup>49</sup>

Local Government Act Amendment Act, 1990, No. 69 of 1990 [Assented to 20 December 1990]<sup>50</sup>

Statutes Amendment (Water Resources) Act 1991 No. 7 of 1991 [Assented to 28 March 1991]<sup>51</sup>

- Local Government (Management Provisions) Amendment Act 1991 No. 26 of 1991 [Assented to 18 April 1991]<sup>52</sup>
- Local Government (Freedom of Information) Amendment Act 1991 No. 31 of 1991 [Assented to 24 April 1991]<sup>53</sup>
- Local Government (Reform) Amendment Act 1992 No. 29 of 1992 [Assented to 21 May 1992]<sup>54</sup>
- Statutes Amendment and Repeal (Public Offences) Act 1992 No. 35 of 1992 [Assented to 21 May 1992]<sup>55</sup>
- Local Government (Miscellaneous Provisions) Amendment Act 1992 No. 43 of 1992 [Assented to 10 September 1992]<sup>56</sup>
- Local Government (City of Adelaide Wards) Amendment Act 1992 No. 54 of 1992 [Assented to 29 October 1992]
- Local Government (Financial Management) Amendment Act 1992 No. 85 of 1992 [Assented to 3 December 1992]<sup>57</sup>
- Statutes Repeal and Amendment (Development) Act 1993 No. 54 of 1993 [Assented to 27 May 1993]<sup>58</sup>
- Local Government (Voting at Meetings) Amendment Act 1993 No. 66 of 1993 [Assented to 26 August 1993]<sup>59</sup>
- Local Government (Miscellaneous Provisions) Amendment Act 1994 No. 6 of 1994 [Assented to 14 April 1994]<sup>60</sup>
- State Bank (Corporatisation) Act 1994 No. 17 of 1994 [Assented to 12 May 1994]<sup>61</sup>
- Passenger Transport Act 1994 No. 30 of 1994 [Assented to 26 May 1994]<sup>62</sup>
- Irrigation Act 1994 No. 39 of 1994 [Assented to 2 June 1994]<sup>63</sup>
- Meat Hygiene Act 1994 No. 48 of 1994 [Assented to 9 June 1994]<sup>64</sup>
- Criminal Law Consolidation (Felonies and Misdemeanours) Amendment Act 1994 No. 59 of 1994 [Assented to 27 October 1994]<sup>65</sup>
- State Disaster (Major Emergencies and Recovery) Amendment Act 1994 No. 73 of 1994 [Assented to 1 December 1994]<sup>66</sup>
- Local Government (1995 Elections) Amendment Act 1994 No. 79 of 1994 [Assented to 8 December 1994]
- Dog and Cat Management Act 1995 No. 15 of 1995 [Assented to 6 April 1995]<sup>67</sup>
- Catchment Water Management Act 1995 No. 37 of 1995 [Assented to 27 April 1995]<sup>68</sup>
- Development (Review) Amendment Act 1995 No. 53 of 1995 [Assented to 3 August 1995]<sup>69</sup>
- Local Government (Boundary Reform) Amendment Act 1995 No. 108 of 1995 [Assented to 21 December 1995]<sup>70</sup>
- Statutes Amendment and Repeal (Common Expiation Scheme) Act 1996 No. 34 of 1996 [Assented to 2 May 1996]<sup>71</sup>
- Statutes Amendment (Community Titles) Act 1996 No. 38 of 1996 [Assented to 9 May 1996]<sup>72</sup>
- Local Government (Ward Quotas) Amendment Act 1996 No. 58 of 1996 [Assented to 8 August 1996]
- Motor Vehicles (Trade Plates) Amendment Act 1996 No. 65 of 1996 [Assented to 15 August 1996]<sup>73</sup>
- Electricity Act 1996 No. 96 of 1996 [Assented to 19 December 1996]<sup>74</sup>
- Local Government (Miscellaneous Provisions) Amendment Act 1996 No. 98 of 1996 [Assented to 19 December 1996]<sup>75</sup>
- State Records Act 1997 No. 8 of 1997 [Assented to 20 March 1997]<sup>76</sup>
- Local Government (City of Adelaide Elections) Amendment Act 1997 No. 14 of 1997 [Assented to 27 March 1997]
- Statutes Amendment (Water Resources) Act 1997 No. 35 of 1997 [Assented to 19 June 1997]<sup>77</sup>
- Local Government (Miscellaneous) Amendment Act 1997 No. 66 of 1997 [Assented to 7 August 1997]<sup>78</sup>
- Local Government (Holdfast Shores) Amendment Act 1997 No. 76 of 1997 [Assented to 18 December 1997]<sup>79</sup>
- Local Government (Memorial Drive Tennis Centre) Amendment Act 1998 No. 28 of 1998 [Assented to 16 April 1998]
- Valuation of Land (Miscellaneous) Amendment Act 1998 No. 43 of 1998 [Assented to 27 August 1998]<sup>80</sup>
- Local Government (Miscellaneous) Amendment Act 1998 No. 52 of 1998 [Assented to 3 September 1998]<sup>81</sup>
- Statutes Amendment (Local Government and Fire Prevention) Act 1999 No. 12 of 1999 [Assented to 18 March 1999]<sup>82</sup>
- Road Traffic (Road Rules) Amendment Act 1999 No. 39 of 1999 [Assented 5 August 1999]<sup>83</sup>
- Local Government (Implementation) Act 1999 No. 64 of 1999 [Assented to 18 November 1999]<sup>84</sup>**

- 1 Came into operation 2 November 1934: *Gaz.* 25 October 1934, p. 845.
- 2 Came into operation 2 January 1936: *Gaz.* 2 January 1936, p. 1.
- 3 Came into operation 1 June 1937: *Gaz.* 25 March 1937, p. 645.
- 4 Came into operation 1 October 1938: s. 2.
- 5 Came into operation 1 July 1940: s. 17(2).
- 6 Came into operation 1 January 1949: *Gaz.* 9 December 1948, p. 1744.
- 7 Came into operation 1 December 1960: *Gaz.* 1 December 1960, p. 1526.
- 8 Came into operation 1 July 1964: *Gaz.* 5 March 1964, p. 521.
- 9 Came into operation 20 March 1967: *Gaz.* 2 March 1967, p. 681.
- 10 Came into operation 22 February 1968, being the day on which the Real Property Act Amendment (Strata Titles) Act, 1967, came into operation: *see Gaz.* 22 February 1968, p. 515.
- 11 Came into operation 21 May 1970: *Gaz.* 21 May 1970, p. 1841.
- 12 Came into operation 1 January 1974: *Gaz.* 12 April 1973, p. 1460.
- 13 Came into operation 18 May 1972: *Gaz.* 18 May 1972, p. 1926.
- 14 Came into operation 1 June 1972: s. 2.
- 15 Came into operation 14 December 1972: *Gaz.* 14 December 1972, p. 2630.
- 16 Came into operation 1 July 1973: s. 2.
- 17 Came into operation 24 October 1974: *Gaz.* 24 October 1974, p. 2758.
- 18 Came into operation 16 January 1975: *Gaz.* 16 January 1975, p. 138.
- 19 Came into operation 22 May 1975: *Gaz.* 22 May 1975, p. 1987
- 20 Came into operation 1 July 1975: s. 2.
- 21 Came into operation (except ss. 3(c), 4(b), (c) and (e), 9, 17-21, 25-39, 42-45, 68, 70, 71) 4 March 1976: *Gaz.* 4 March 1976, p. 940; ss. 4(b), (c) and (e), 17-21, 25-39, 42-45 came into operation 1 July 1976; s. 9 came into operation 2 August 1976: *Gaz.* 24 June 1976, p. 3169; ss. 3(c), 68, 70, 71 came into operation 1 September 1976: *Gaz.* 26 August 1976, p. 658.
- 22 Came into operation 21 April 1977: *Gaz.* 21 April 1977, p. 1154.
- 23 Came into operation 1 July 1978: s. 2.
- 24 Came into operation (except ss. 4, 9, 10, 15, 17, 20, 23, 24, 25, 26-28, 33-35, 59, 78, 79-81) 27 April 1978: *Gaz.* 27 April 1978, p. 1483; ss. 4, 20, 23, 24, 26-28, 79-81 came into operation 13 July 1978; ss. 9, 10, 15, 17, 25, 33-35, 59 and 78 came into operation 1 September 1978: *Gaz.* 13 July 1978, p. 120 (with reference to s. 78 *see Gaz.* 24 August 1978, p. 613).
- 25 Came into operation (except ss. 3-6, 8 and 9) 8 June 1978: *Gaz.* 8 June 1978, p. 1974; remainder of Act came into operation 1 July 1979: *Gaz.* 24 May 1979, p. 1498.
- 26 Came into operation 21 December 1978: *Gaz.* 21 December 1978, p. 2303.
- 27 Came into operation 1 July 1979: *Gaz.* 24 May 1979, p. 1498.
- 28 Came into operation 12 February 1981: *Gaz.* 12 February 1981, p. 359.
- 29 Came into operation 19 February 1981: *Gaz.* 19 February 1981, p. 457.
- 30 Came into operation 4 December 1980: *Gaz.* 4 December 1980, p. 2025.
- 31 Came into operation 30 June 1981: *Gaz.* 4 June 1981, p. 1640.
- 32 Came into operation 1 July 1981: *Gaz.* 25 June 1981, p. 1896.
- 33 Came into operation 8 April 1982: *Gaz.* 8 April 1982, p. 1008.
- 34 Came into operation 4 November 1982: *Gaz.* 4 November 1982, p. 1304.
- 35 Came into operation 28 July 1983: *Gaz.* 21 July 1983, p. 126.
- 36 Came into operation 26 January 1984: *Gaz.* 26 January 1984, p. 175.
- 37 Came into operation 1 February 1984: *Gaz.* 26 January 1984, p. 176.
- 38 Came into operation 31 May 1984: *Gaz.* 24 May 1984, p. 1261.
- 39 Came into operation 16 August 1984: *Gaz.* 2 August 1984, p. 412.
- 40 Came into operation 11 July 1985: *Gaz.* 4 July 1985, p. 6.
- 41 Came into operation (except ss. 5, 15 and 44) 14 March 1985: *Gaz.* 14 March 1985, p. 624; ss. 5 and 15 came into operation 4 May 1985: *Gaz.* 14 March 1985, p. 624; s. 44 came into operation 22 April 1993: *Gaz.* 22 April 1993, p. 1400.
- 42 Came into operation 8 May 1986: *Gaz.* 24 April 1986, p. 1002.
- 43 Came into operation 1 January 1987: *Gaz.* 16 October 1986, p. 1373.
- 44 Came into operation 1 April 1987: *Gaz.* 26 March 1987, p. 702.
- 45 Came into operation 8 January 1987: *Gaz.* 24 December 1986, p. 1942.
- 46 Ss. 36-45 came into operation 1 July 1991: *Gaz.* 6 June 1991, p. 1776; ss. 32-35 came into operation 15 May 1995: *Gaz.* 11 May 1995, p. 2135. The amendments contained in Act No. 37 of 1987, ss. 36 and 38, brought into operation on 1 July 1991, were rendered nugatory by the prior substitution or repeal of the sections of the principal Act purporting to be amended.

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- 47 Came into operation (except s. 55 and Sched.) 1 January 1989: *Gaz.* 22 December 1988, p. 2094; remainder of Act came into operation 1 March 1989: *Gaz.* 2 February 1989, p. 252.
- 48 Came into operation (except s. 52) 1 January 1989: *Gaz.* 22 December 1988, p. 2094; remainder of Act came into operation 1 March 1989: *Gaz.* 2 February 1989, p. 252.
- 49 Came into operation 21 May 1990: *Gaz.* 17 May 1990, p. 1358.
- 50 Came into operation (except ss. 3-5, 19-21, 23-28) 21 March 1991: *Gaz.* 21 March 1991, p. 960; ss. 3, 19-21, 23-28 came into operation 5 August 1991: *Gaz.* 27 June 1991, p. 2060; ss. 4 and 5 came into operation 12 August 1991: *Gaz.* 8 August 1991, p. 507.
- 51 Came into operation (except s. 7) 15 July 1991: *Gaz.* 11 July 1991, p. 244.
- 52 Came into operation 8 August 1991: *Gaz.* 1 August 1991, p. 492.
- 53 Came into operation 1 January 1992: s. 2.
- 54 Ss. 1-3, 5, 8-11, 13-21, 26, 28 and para (b) of Sched. came into operation 21 May 1992; ss. 4, 6, 12, 22-25, 27 and para (a) of Sched. came into operation 1 July 1992: *Gaz.* 21 May 1992, p. 1468: s. 2; s. 7 came into operation 21 May 1994 (by virtue of the Acts Interpretation Act 1915, s. 7(5)).
- 55 Came into operation 6 July 1992: *Gaz.* 2 July 1992, p. 209.
- 56 Came into operation 8 October 1992: *Gaz.* 8 October 1992, p. 1272.
- 57 Came into operation 1 July 1993: s. 2.
- 58 Ss. 9(e) and 30 came into operation on assent: s. 2(2); s. 9(a)-(d) and (f) came into operation 15 January 1994: *Gaz.* 27 October 1993, p. 1889.
- 59 Came into operation 1 October 1993: *Gaz.* 30 September 1993, p. 1340.
- 60 Came into operation (except s. 4) 31 May 1994: *Gaz.* 26 May 1994, p. 1262; s. 4 came into operation at 4 p.m. on 30 June 1994: *Gaz.* 30 June 1994, p. 1842.
- 61 Came into operation 1 July 1994: *Gaz.* 23 June 1994, p. 1784.
- 62 Came into operation (except Sched. 4 cl. 2(a)(v)) 1 July 1994: *Gaz.* 30 June 1994, p. 1843; Sched. 4 cl. 2(a)(v) came into operation 1 August 1994: *Gaz.* 28 July 1994, p. 170.
- 63 Came into operation 1 July 1994: *Gaz.* 30 June 1994, p. 1842.
- 64 Came into operation 1 December 1994: *Gaz.* 1 December 1994, p. 1868.
- 65 Came into operation 1 January 1995: *Gaz.* 8 December 1994, p. 1942.
- 66 Came into operation 2 February 1995: *Gaz.* 2 February 1995, p. 200.
- 67 Came into operation 1 July 1995: *Gaz.* 15 June 1995, p. 2884.
- 68 Came into operation 4 May 1995: *Gaz.* 4 May 1995, p. 1704.
- 69 Came into operation 23 November 1995: *Gaz.* 23 November 1995, p. 1412.
- 70 Came into operation 31 December 1995: *Gaz.* 21 December 1995, p. 1751.
- 71 Came into operation 3 February 1997: *Gaz.* 19 December 1996, p. 1923.
- 72 Came into operation 4 November 1996: *Gaz.* 31 October 1996, p. 1460.
- 73 Came into operation 17 November 1997: *Gaz.* 13 November 1997, p. 1280.
- 74 Came into operation 1 January 1997: *Gaz.* 19 December 1996, p. 1922.
- 75 Came into operation (except new s. 65AAA as inserted by s. 9) 6 February 1997, new s. 65AAA (as inserted by s. 9) came into operation 1 June 1997: *Gaz.* 6 February 1997, p. 823.
- 76 Came into operation 31 October 1997: *Gaz.* 4 September 1997, p. 612.
- 77 Part 4 (s. 21) came into operation 19 June 1999 (by virtue of the Acts Interpretation Act 1915, s. 7(5)).
- 78 Came into operation (except ss. 11(c), 12(b) & (c)) on assent: s. 2(1); ss. 11(c), 12(b) & (c) came into operation 15 April 1999: *Gaz.* 15 April 1999, p. 1922.
- 79 Came into operation 17 December 1998: *Gaz.* 17 December 1998, p. 1920.
- 80 S. 18 came into operation 15 April 1999: s. 2(2).
- 81 Came into operation (except ss. 3-31, 33 & 35) on assent: s. 2(1); ss. 3-31 & 33 came into operation 1 October 1998: s. 2(2); s. 35 came into operation 17 December 1998: *Gaz.* 17 December 1998, p. 1920.
- 82 Part 3 (s. 5) came into operation 7 October 1999: *Gaz.* 7 October 1999, p. 1416; s. 6 had not been brought into operation at the date of, and the amendment effected by that provision has not been included in, this reprint.
- 83 Came into operation 1 December 1999: *Gaz.* 11 November 1999, p. 2254.
- 84 **Section 6 came into operation 1 January 2000: *Gaz.* 9 December 1999, p. 3113.**

**Local Government Act, 1934**

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**An Act to consolidate and amend certain Acts relating to municipal and district councils, and to amend various other Acts.**

The Parliament of South Australia enacts as follows:

**PART I  
PRELIMINARY**

**Short title**

1. This Act may be cited as the *Local Government Act, 1934*.

\* \* \* \* \*

**Interpretation**

5. (1) In this Act, unless the contrary intention appears—

"**absolute majority**" means a majority of the whole number of the members of a council or committee, as the case may be;

"**area**" means the area in relation to which a council is constituted;

"**authorised person**" means an authorised person under the *Local Government Act 1999*;

"**business day**" means any day except Saturday, Sunday or a public holiday;

"**chairman**" means the chairman of a council and includes a deputy chairman or other member acting in the office of chairman;

"**chief executive officer**" means the chief executive officer of a council and includes a deputy or another person acting in the office of chief executive officer;

"**company**" means a company incorporated under the *Companies (South Australia) Code* or a corresponding law in force in another State or in a Territory;

"**council**" means a council constituted under the *Local Government Act 1999*;

"**council committee**" means a committee of a council established under the *Local Government Act 1999* and includes a sub-committee of any such committee and an advisory committee established by a council;

"**district**" means the area of a district council;

"**district council**" means a district council continued by or constituted under this Act;

"**driver**" includes rider;

"**elector**" means a person enrolled on the voters roll for a council and includes the nominated agent of a body corporate or group of persons enrolled on the voters roll for a council;

"**electoral officer**" means a person appointed as an electoral officer under this Act and includes the returning officer and deputy returning officer;

"**engineer**", in relation to a council, means a person appointed by the council as the engineer of the council and includes a deputy or another person appointed by the council to act in the absence of the engineer;

"**financial year**" means the period of twelve months ending on the thirtieth day of June;

"**foreshore**" means the area between the low water mark on the seashore and the nearest boundary of—

- (a) a road;
  - (b) a section;
  - (c) a public reserve;
- or
- (d) land comprised in a land grant, Crown lease, or Crown licence;

"**land**" includes—

- (a) all buildings and structures on land;
- (b) all other improvements to land;
- (c) a strata lot under the *Community Titles Act 1996* and a unit under the *Strata Titles Act 1988*;

"**mayor**" means the mayor of a council and includes a deputy mayor or other member acting in the office of mayor;

"**member**" of a council means the mayor or chairman, an alderman or a councillor of the council;

"**municipal council**" means a municipal council continued by or constituted under this Act;

"**municipality**" means the area of a municipal council;

"**obstruction**", in relation to a watercourse, means anything (including vegetation growing in the watercourse) that impedes the free flow of water in the watercourse;

"**occupier**" means a person who, either jointly or alone, has possession of land (to the substantial exclusion of others);

"**office**" means any office of a council;

"**ornamental grounds**" means land of which the care, control and management is or has been assumed by a council under section 453 or the *Ornamental Grounds Act, 1881*;

"**owner**" of land means—

- (a) where the land has been granted in fee simple—
  - (i) the holder of an estate in fee simple, or a life estate, in the land;
  - (ii) the holder of a leasehold estate in the land who is not in occupation of the land;
  - (iii) a mortgagee in possession of the land (or a receiver appointed by such a mortgagee);

**Local Government Act, 1934**

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(b) where the land is held from the Crown under a lease, licence or agreement to purchase—the lessee, licensee or purchaser;

or

(c) any person who has arrogated to himself or herself (lawfully or unlawfully) the rights of an owner of the land,

and includes the executor of the will, or administrator of the estate, of any such person;

"**owner**", in relation to a motor vehicle, means—

(a) a person registered or recorded as the owner or an owner of the vehicle under the *Motor Vehicles Act, 1959*, or a similar law of the Commonwealth or another State or a Territory of the Commonwealth;

(b) if the vehicle is registered in the name of a business under the *Motor Vehicles Act, 1959*, or a similar law of the Commonwealth or another State or a Territory of the Commonwealth—any person carrying on that business;

or

(c) a person to whom a trade plate, a permit or other authority has been issued under the *Motor Vehicles Act, 1959*, or a similar law of the Commonwealth or another State or a Territory of the Commonwealth, by virtue of which the vehicle is permitted to be driven on roads,

and includes—

(d) if the ownership of the vehicle has been transferred but the transferee has not yet been registered or recorded as the owner of the vehicle—a person to whom ownership of the vehicle has been transferred;

or

(e) if a person has possession of the vehicle by virtue of the hire or bailment of the vehicle—that person;

"**park land**" means land declared or set apart as a park or set aside for the use and enjoyment of the public;

"**prime bank rate**", for a particular financial year, means the published indicator rate for prime corporate lending of the Commonwealth Bank of Australia at the commencement of the financial year;

"**principal office**" means the office of a council maintained as its principal office;

"**public notice**" means notice by advertisement in the *Gazette* and in a newspaper circulating in the area;

"**public place**" includes every street, road, square, lane, footway, court, alley and thoroughfare which the public are allowed to use (whether formed on private property or not) and any foreshore but does not include any part of a community parcel divided by a plan of community division under the *Community Titles Act 1996*;

"**ratable land**" or "**ratable property**" means land that is ratable under Part X;



"**repealed Act**" means any Act repealed by this Act and any other repealed Act which related to municipal or district councils;

"**township**" means—

(a) any government township and any land laid out as a township where plans of the township have been deposited in the Lands Titles Registration Office, the General Registry Office or the Surveyor-General's Office;

or

(b) any part of the area of a council that contains at least 20 residences and that is defined as a township by the council by notice published in the *Gazette*;

"**vehicle**" includes motor cycle and bicycle;

"**watercourse**" means a watercourse as defined in the *Water Resources Act, 1976*.

(1a) Where—

(a) person is authorized or required by a provision of this Act to act in a particular office or position while the holder of the office or position is absent;

or

(b) provision of this Act provides for the appointment of a person to act in a particular office or position while the holder of the office or position is absent,

the provision authorizes or requires that person to act in the office or position while the holder of the office or position is absent from the duties of the office or position or while the office or position is temporarily vacant.

\* \* \* \* \*

(2) The terms "public street, road or place", "public street, road and place", "public street or road", and "public street and road", mean respectively "public street, public road or public place", "public street, public road and public place", "public street or public road", and "public street and public road".

(3) The terms "street and road" and "street or road" extend to both public and private streets and roads.

(4) For the purposes of this Act, the terms "street" and "road" extend to any bridge, viaduct or subway which is under the care, control or management of the council (notwithstanding that it is carried over or under land not vested in the council).

(5) For the purpose of this Act, the width of a street or road, or any land proposed to be declared a public street or road, is the shortest distance from one boundary of the street, road or land to the opposite boundary.

(6) For the purposes of this Act, a reference to a chairperson, when used in relation to a council that does not have a mayor, will be taken to be a reference to the principal member of the council.

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Local Government Act, 1934

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**PART VA  
ACCESS TO COUNCILS' DOCUMENTS**

**DIVISION I—PRELIMINARY**

**Interpretation**

**65a.** (1) In this Part—

"**council**" includes a council committee or a controlling authority established under Part XIII;

"**court**" includes a justice or a coroner;

"**document**" includes anything in which information is stored or from which information may be reproduced;

"**personal affairs**" of a person includes that person's—

- (a) financial affairs;
- (b) criminal records;
- (c) marital or other personal relationships;
- (d) employment records;
- (e) personal qualities or attributes;

"**policy or administrative document**", in relation to a council, means—

- (a) a document containing interpretations, rules, guidelines, statements of policy, practices or precedents;
- (b) a document containing particulars of any administrative scheme;
- (c) a document containing a statement of the manner, or intended manner, of administration of any legislative instrument or administrative scheme;
- (d) a document describing the procedures to be followed in investigating any contravention or possible contravention of any legislative instrument or administrative scheme;

or

- (e) any other document of a similar kind,

that is used by the council in connection with the exercise of such of its functions as affects or are likely to affect rights, privileges or other benefits, or obligations, penalties or other detriments, to which members of the public are or may become entitled, eligible, liable or subject, but does not include a legislative instrument;

"**restricted document**" means a document that is an exempt document by virtue of a provision of Subdivision I of Division II;

"**State**" includes Territory;

"**State Records**" means the office of State Records established under the *State Records Act 1997*.

(2) A council is to be taken to hold a document if the council has an immediate right of access to the document.

(3) Where—

(a) a council holds information in computer storage;

and

(b) a particular document is capable of being produced by the computer on the basis of information so stored,

the council is to be taken to hold that document.

### **Documents in State Records**

**65b.** If a document held by a council is delivered into the custody of State Records, the document is, for the purposes of this Part, to be taken to continue in the possession of the council.

### **Effect of this Part**

**65c.** (1) This Part does not prevent a council from giving access to a document without formal application and without other formality and it does not derogate from other provisions of this Act under which access to documents is required or permitted.

(2) Nothing in this Part is intended to prevent or discourage the publication of information, the giving of access to documents or the amendment of records as permitted or required by or under any other Act or law.

## **DIVISION II—EXEMPT DOCUMENTS**

### **SUBDIVISION I—RESTRICTED DOCUMENTS**

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#### **Exempt documents under interstate Freedom of Information legislation**

**65e.** A document is an exempt document if—

(a) it contains information communicated to a council by another council, the Government of South Australia or the Government of the Commonwealth or of another State;

and

(b) notice has been received from either a council, the Government of South Australia or the Government of the Commonwealth or of the other State that the information is exempt matter within the meaning of this Act, the *Freedom of Information Act 1991* or a corresponding law of the Commonwealth or that other State.

### **SUBDIVISION II—DOCUMENTS REQUIRING CONSULTATION**

#### **Documents affecting inter-governmental or local governmental relations**

**65f.** A document is an exempt document if it contains matter—

(a) the disclosure of which—

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(i) could reasonably be expected to cause damage to relations between councils, a council and the Government of South Australia or a council and the Government of the Commonwealth;

or

(ii) would divulge information communicated in confidence by or on behalf of a council or the Government of South Australia or of the Commonwealth to a council or a person or body receiving the communication on behalf of a council;

and

(b) the disclosure of which would, on balance, be contrary to the public interest.

**Documents affecting personal affairs**

**65g.** (1) A document is an exempt document—

(a) if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

or

(b) if it contains allegations or suggestions of criminal or other improper conduct on the part of a person (living or dead) and the truth of those allegations or suggestions has not been established by judicial process.

(2) A document is not an exempt document by virtue of this section merely because it contains information concerning the person by or on whose behalf an application for access to the document is made.

(3) A document that is an exempt document under this section ceases to be so exempt on the expiration of 30 years from the date that the document came into existence or, if some other period is prescribed, on the expiration of that period.

**Documents affecting business affairs**

**65h.** (1) A document is an exempt document—

(a) if it contains matter the disclosure of which would disclose trade secrets of any council or any other person;

(b) if it contains matter—

(i) consisting of information (other than trade secrets) that has a commercial value to any council or any other person;

and

(ii) the disclosure of which could reasonably be expected to destroy or diminish the commercial value of the information;

or

- (c) if it contains matter—
  - (i) consisting of information (other than trade secrets or information referred to in paragraph (b)) concerning the business, professional, commercial or financial affairs of any council or any other person;

and

- (ii) the disclosure of which could reasonably be expected to have an adverse effect on those affairs or to prejudice the future supply of such information to a council.

(2) A document is not an exempt document by virtue of this section merely because it contains matter concerning the business, professional, commercial or financial affairs of the council or other person by or on whose behalf an application for access to the document is made.

#### **Documents affecting the conduct of research**

**65i.** (1) A document is an exempt document if it contains matter—

- (a) that relates to the purpose or results of research (including research that is yet to be commenced or yet to be completed);

and

- (b) the disclosure of which could reasonably be expected to have an adverse effect on the council or other person by or on whose behalf the research is being, or is intended to be, carried out.

(2) A document is not an exempt document by virtue of this section merely because it contains matter concerning research that is being, or is intended to be, carried out by the council or other person by or on whose behalf an application for access to the document is made.

### **SUBDIVISION III—OTHER DOCUMENTS**

#### **Internal working documents**

**65j.** (1) A document is an exempt document if it contains matter—

- (a) that relates to—
    - (i) any opinion, advice or recommendation that has been obtained, prepared or recorded;

or

  - (ii) any consultation or deliberation that has taken place,  
in the course of, or for the purpose of, the decision-making functions of the council;
- and
- (b) the disclosure of which would, on balance, be contrary to the public interest.

(2) A document is not an exempt document by virtue of this section if it merely consists of—

- (a) matter that appears in a council's policy or administrative document;

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or

(b) factual or statistical material.

**Documents subject to legal professional privilege**

**65k.** (1) A document is an exempt document if it contains matter that would be privileged from production in legal proceedings on the ground of legal professional privilege.

(2) A document is not an exempt document by virtue of this section merely because it contains matter that appears in a council's policy or administrative document.

**Documents the subject of secrecy provisions**

**65l.** (1) A document is an exempt document if it contains matter the disclosure of which would constitute an offence against an Act.

(2) A document is not an exempt document by virtue of this section unless disclosure of the matter contained in the document, to the person by or on whose behalf an application for access to the document is made, would constitute such an offence.

**Documents containing confidential material**

**65m.** A document is an exempt document—

(a) if it contains matter the disclosure of which would found an action for breach of confidence;

or

(b) if it contains matter obtained in confidence the disclosure of which—

(i) might reasonably be expected to prejudice the future supply of such information to a council;

and

(ii) would, on balance, be contrary to the public interest.

**Documents affecting financial or property interests**

**65n.** A document is an exempt document if it contains matter the disclosure of which—

(a) could reasonably be expected to have a substantial adverse effect on the financial or property interests of a council;

and

(b) would, on balance, be contrary to the public interest.

**Documents concerning operations of councils**

**65o.** (1) A document is an exempt document if it contains matter the disclosure of which—

(a) could reasonably be expected—

(i) to have a substantial adverse effect on the management or assessment by a council of the council's personnel;

(ii) to have a substantial adverse effect on the effective performance by a council of the council's functions;

or

(iii) to have a substantial adverse effect on the conduct of industrial relations by a council;

and

(b) would, on balance, be contrary to the public interest.

(2) A document is an exempt document if—

(a) it relates to commercial activities engaged in by a council;

and

(b) it contains matter the disclosure of which could prejudice the competitiveness of the council in carrying on those commercial activities.

**Documents subject to contempt, etc.**

**65p.** A document is an exempt document if it contains matter the public disclosure of which would—

(a) constitute contempt of court;

(b) contravene any order or direction of a person or body having power to receive evidence on oath;

or

(c) infringe the privilege of Parliament.

**Private documents in public library or archival collections**

**65q.** A document is an exempt document—

(a) if it has been created otherwise than by a council;

and

(b) if it is held in a public library or archival collection subject to a condition imposed by the person or body (not being a council) by whom it has been placed in the possession of the library—

(i) prohibiting its disclosure to members of the public generally or to certain members of the public;

or

(ii) restricting its disclosure to certain members of the public.

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**DIVISION III—PUBLICATION OF CERTAIN INFORMATION**

**Publication of information concerning councils**

**65r.** (1) A council—

(a) must (within 12 months after the commencement of this section and at intervals of not more than 12 months thereafter) cause to be prepared an up-to-date information statement;

and

(b) must (within 12 months after the commencement of this section and at intervals of not more than 12 months thereafter) cause to be published, in a newspaper circulating in the area of the council, an up-to-date information summary.

(2) An information statement must contain—

(a) a description of the structure and functions of the council (including of any board, committee or other body constituted by two or more persons that is part of the council or has been established for the purpose of advising the council and whose meetings are open to the public or the minutes of whose meetings are available for public inspection);

(b) a description of the ways in which the functions (including, in particular, the decision-making functions) of the council affect members of the public;

(c) a description of any arrangements that exist to enable members of the public to participate in the formulation of the council's policy and the exercise of the council's functions;

(d) a description of the various kinds of documents that are usually held by the council, including—

(i) a description of the various kinds of documents that are available for inspection at the council (whether as part of a public register or otherwise) in accordance with the provisions of a legislative instrument other than this Act, whether or not inspection of any such document is subject to a fee or charge;

(ii) a description of the various kinds of documents that are available for purchase from the council;

and

(iii) a description of the various kinds of documents that are available from the council free of charge;

(e) a description of the arrangements that exist to enable a member of the public to obtain access to the council's documents and to seek amendment of the council's records concerning his or her personal affairs;

and

(f) a description of the procedures of the council in relation to the giving of access to the council's documents and to the amendment of the council's records concerning the personal affairs of a member of the public, including—



(i) the designation of the officer or officers to whom the inquiries should be made;

and

(ii) the address or addresses at which applications under this Part should be lodged.

(3) An information summary—

(a) must identify each of the council's policy or administrative documents;

(b) must identify the most recent information statement published under this section;

(c) must specify the designation of the officer or officers to whom inquiries concerning the procedures for inspecting and purchasing the council's policy or administrative documents and information statements should be made;

and

(d) must specify the address or addresses at which, and the times during which, the council's policy or administrative documents and information statements may be inspected and purchased.

(4) Nothing in this section requires the publication of information if its inclusion in a document would result in the document being an exempt document.

#### **Availability of certain documents**

**65s.** (1) A council must cause copies of—

(a) its most recent information statement;

(b) its most recent information summary;

and

(c) each of its policy or administrative documents,

to be made available for inspection and purchase by members of the public.

(2) Subsection (1) does not apply in relation to a policy or administrative document that an agency is required by the *Freedom of Information Act 1991* to make available for inspection and purchase by members of the public.

(3) Nothing in this section prevents a council from deleting information from the copies of a policy or administrative document if its inclusion in the document would result in the document being an exempt document otherwise than by virtue of section 65j or 65k.

(4) A council should not enforce a particular policy to the detriment of a person—

(a) if the relevant policy or administrative document should have been, but was not, made available for inspection and purchase in accordance with this section at the time the person became liable to the detriment;

and

(b) the person could, by knowledge of the policy have avoided liability to the detriment.

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(5) During the period of 12 months following the commencement of this section—

(a) a council is required to comply with subsection (1) only to such extent as is reasonably practicable;

and

(b) subsection (4) does not have effect.

**DIVISION IV—ACCESS TO DOCUMENTS**

**SUBDIVISION I—GENERAL**

**Right of access to councils' documents**

**65t.** (1) A person has a legally enforceable right to be given access to a council's documents in accordance with this Part.

(2) This right prevails over the operation of any order under section 64(6).

**Applications for access to councils' documents**

**65u.** An application for access to a council's document—

(a) must be in writing;

(b) must specify that it is made under this Part;

(c) must be accompanied by such application fee as may be prescribed;

(d) must contain such information as is reasonably necessary to enable the document to be identified;

(e) must specify an address in Australia to which notices under this Part should be sent;

and

(f) must be lodged at an address specified in the council's information statement for the purpose of lodgment of applications under this Part, and may request that access to the document be given in a particular way.

**Time within which applications to be dealt with**

**65v.** An application must be dealt with as soon as practicable (and, in any case, within 45 days) after it is received.

**Incomplete and wrongly directed applications**

**65w.** A council must not refuse to accept an application merely because it does not contain sufficient information to enable the document to which it relates to be identified without first taking such steps as are reasonably practicable to assist the applicant to provide such information.

**Transfer of applications**

**65x.** (1) A council to which an application has been made may transfer the application to another council if the document to which it relates—

(a) is not held by the council but is, to the knowledge of the council, held by the other council;

or

(b) is held by the council but is more closely related to the functions of the other council.

(2) A council that transfers an application to another council must, if it holds the document to which the application relates, forward a copy of the document to the other council together with the application.

(3) A council that transfers an application to another council must forthwith cause notice of that fact to be given to the applicant.

(4) Such a notice must specify the day on which, and the council to which, the application was transferred.

(5) A council is not required to include in a notice any matter if its inclusion in the notice would result in the notice being an exempt document.

(6) An application that is transferred from one council to another is to be taken to have been received by the other council—

(a) on the day on which it is transferred;

or

(b) 14 days after the day on which it was received by the council to which it was originally made,

whichever is the earlier.

#### **Councils may require advance deposits**

**65y.** (1) If, in the opinion of a council, the cost of dealing with an application is likely to exceed the application fee, the council may request the applicant to pay to it such reasonable amount, by way of advance deposit, as the council may determine.

(2) If, in the opinion of a council, the cost of dealing with an application is likely to exceed the sum of the application fee and of any advance deposits paid in respect of the application, the council may request the applicant to pay to it such reasonable amount, by way of further advance deposit, as the council may determine.

(3) The aggregate of the application fee and the advance deposit or deposits requested under this section must not exceed the council's estimate of the cost of dealing with the application.

(4) A request for an advance deposit must be accompanied by a notice that sets out the basis on which the amount of the deposit has been calculated.

(5) The amount of an advance deposit requested by a council in respect of an application must be paid to the council within such period as the council specifies in the request.

(6) The period between the making of a request under this section and the payment of an advance deposit in accordance with the request is not to be taken into account in calculating the period of 45 days within which the relevant application is to be dealt with.

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**Councils may refuse to deal with certain applications**

**65z.** (1) A council may refuse to deal with an application if it appears to the council that the nature of the application is such that the work involved in dealing with it would, if carried out, substantially and unreasonably divert the council's resources from their use by the council in the exercise of its functions.

(2) A council must not refuse to deal with such an application without first endeavouring to assist the applicant to amend the application so that the work involved in dealing with it would, if carried out, no longer substantially and unreasonably divert the council's resources from their use by the council in the exercise of its functions.

(3) A council may refuse to continue dealing with an application if—

(a) it has requested payment of an advance deposit in relation to the application;

and

(b) payment of the deposit has not been made within the period specified in the request.

(4) If a council refuses to continue dealing with an application under subsection (3)—

(a) it must refund to the applicant such part of the advance deposits paid in respect of the application as exceeds the costs incurred by the council in dealing with the application;

and

(b) it may retain the remainder of those deposits.

(5) A council that refuses to deal with an application under this section must forthwith cause written notice of that fact to be given to the applicant.

(6) Such a notice must specify—

(a) the reasons for the refusal;

and

(b) the findings on any material questions of fact underlying those reasons, together with a reference to the sources of information on which those findings are based.

(7) A council is not required to include in a notice any matter if its inclusion in the notice would result in the notice being an exempt document.

(8) A refusal to deal with, or to continue to deal with, an application under this section is a determination for the purposes of this Part.

**Determination of applications**

**65za.** (1) After considering an application for access to a document, a council must determine—

(a) whether access to the document is to be given (either immediately or subject to deferral) or refused;

(b) if access to the document is to be given—any charge payable in respect of the giving of access;

and

(c) any charge payable for dealing with the application.

(2) A council that fails to determine an application within 45 days after the application is received by the council is, for the purposes of this Part, to be taken to have determined the application by refusing access to the document to which it relates.

(3) This section does not require a council to determine an application if the council has, in accordance with this Part, refused to deal with, or to continue to deal with, the application.

**Refusal of access**

**65zb.** (1) A council may refuse access to a document—

(a) if it is an exempt document;

(b) if it is a document that is available for inspection at that or some other council (whether as part of a public register or otherwise) in accordance with Division III, or in accordance with a legislative instrument other than this Part, whether or not inspection of the document is subject to a fee or charge;

(c) if it is a document that is usually and currently available for purchase;

(d) if it is a document that—

(i) was not created or collated by the council itself;

and

(ii) genuinely forms part of library material held by the council;

or

(e) if it is a document that came into existence before 1 January 1987.

(2) Subsection (1)(e) does not permit a council to refuse access to—

(a) a document that contains information concerning the personal affairs of the applicant;

(b) a document that is reasonably necessary to enable some other document (being a document to which the council has given access under this Part) to be understood;

or

(c) a document in the custody of State Records.

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**Deferral of access**

**65zc.** (1) A council may defer access to a document—

(a) if it is a document that is required by law to be published but is yet to be published;

(b) if it is a document that has been prepared for presentation to the council, or that has been designated by the council as appropriate for presentation to the council, but is yet to be presented;

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or

- (c) if it is a document that has been prepared for submission to a particular person or body, or that has been designated by the council as appropriate for submission to a particular person or body, but is yet to be submitted.

(2) Access to a document to which subsection (1)(a) applies may not be deferred beyond the time the document is required by law to be published.

(3) Access to a document to which subsection (1)(b) or (c) applies may not be deferred for more than a reasonable time after the date of its preparation.

**Forms of access**

**65zd.** (1) Access to a document may be given to a person—

- (a) by giving the person a reasonable opportunity to inspect the document;
- (b) by giving the person a copy of the document;
- (c) in the case of a document from which sounds or visual images are capable of being reproduced, whether or not with the aid of some other device—by making arrangements for the person to hear or view those sounds or visual images;
- (d) in the case of a document in which words are recorded in a manner in which they are capable of being reproduced in the form of sound—by giving the person a written transcript of the words recorded in the document;
- (e) in the case of a document in which words are contained in the form of shorthand writing or in encoded form—by giving the person a written transcript of the words contained in the document;

or

- (f) in the case of a document in which words are recorded in a manner in which they are capable of being reproduced in the form of a written document—by giving the person a written document so reproduced.

(2) If an applicant has requested that access to a document be given in a particular way, access to the document must be given in that way unless giving access as requested—

- (a) would unreasonably divert the resources of the council (or, if the document is in the custody of State Records, the resources of State Records) from their use for other official purposes;
- (b) would be detrimental to the preservation of the document or (having regard to the physical nature of the document) would otherwise not be appropriate;

or

- (c) would involve an infringement of copyright in matter contained in the document,

in which case access may be given in some other way.

(2a) If a document is in the custody of State Records, the determination as to the way in which access is given to the document must be made by or jointly with the Manager of State Records.

(3) If an applicant has requested that access to a document be given in a particular way and access is given in some other way, the applicant is not required to pay a charge in respect of the giving of access that is greater than the charge that the applicant would have been required to pay had access been given as requested.

(4) Subject to subsection (2a), this section does not prevent a council from giving access to a document in any way agreed on between the council and the person to whom access is to be given.

(5) A council may refuse to give access to a document if a charge payable in respect of the application, or giving access to the document, has not been paid.

**Notices of determination**

**65ze.** (1) A council must notify an applicant in writing—

(a) of its determination of his or her application;

or

(b) if the application relates to a document that is not held by the council—of the fact that the council does not hold such a document.

(2) Such a notice must specify—

(a) the day on which the determination was made;

(b) —

(i) the name and designation of the officer by whom the determination was made;

(ii) the rights of review and appeal conferred by this Part;

and

(iii) the procedures to be followed for the purpose of exercising those rights;

(c) if the determination is to the effect that access to a document is to be given (either immediately or subject to deferral)—the amount of any charge payable in respect of the giving of access;

(d) if the determination is to the effect that the document is an exempt document and that access is to be given to a copy of the document from which exempt matter has been deleted—the fact that the document is such a copy and the provision of this Part by virtue of which the document is an exempt document;

(e) if the determination is to the effect that access to a document is to be given subject to deferral—

(i) the reason for the deferral;

and

(ii) if applicable—the likely period of deferral;

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- (f) if the determination is to the effect that access to a document is refused—
  - (i) the reasons for the refusal;and
  - (ii) the findings on any material questions of fact underlying those reasons, together with a reference to the sources of information on which those findings are based;and
- (g) the amount of any charge for dealing with the application, together with—
  - (i) a statement of any amount payable by the applicant;or
  - (ii) a statement of any amount refundable to the applicant,in relation to the charge, having regard to the sum of any advance deposits paid in respect of the application.

(3) A council is not required to include in a notice any matter if its inclusion in the notice would result in the notice being an exempt document.

**Subdivision to be read subject to Subdivision II**

**65zf.** This Subdivision has effect subject to the provisions of Subdivision II.

**SUBDIVISION II—CONSULTATION**

**Access to documents requiring consultation**

**65zg.** (1) This section applies to—

- (a) a document that contains matter concerning the affairs of—
  - (i) the Government of the Commonwealth or a State;or
  - (ii) another council;
- (b) a document that contains information concerning the personal affairs of any person (whether living or dead);
- (c) a document that contains—
  - (i) information concerning the trade secrets of any person;
  - (ii) information (other than trade secrets) that has a commercial value to any person;or
  - (iii) any other information concerning the business, professional, commercial or financial affairs of any person;



and

- (d) a document that contains information concerning research that is being, or is intended to be, carried out by or on behalf of any person.

(2) A council must not give access under this Act to a document to which this section applies (except to in the case of a document referred to in subsection (1)(a), the Government or council concerned, or, in any other case, the person concerned) unless the council has taken such steps as are reasonably practicable to obtain the views of the Government, council or person concerned as to whether or not the document is an exempt document by virtue of a provision of Subdivision II of Division II.

(3) If—

- (a) in the case of an application for access to a document referred to in subsection (1)(b)—

- (i) the council determines, after having sought the views of the person concerned, that access to the document is to be given and the views of the person concerned are that the document is an exempt document by virtue of section 65g;

or

- (ii) after having taken reasonable steps to obtain the views of the person concerned, the council is unable to obtain the views of the person and the council determines that access to the document should be given;

or

- (b) in any other case—the council determines, after seeking the views of the Government, council or person concerned, that access to a document to which this section applies is to be given and the views of the Government, council or person concerned are that the document is an exempt document by virtue of a specified provision of Subdivision II of Division II,

the council must—

- (c) forthwith give written notice to the Government, council or person concerned—

- (i) that the council has determined that access to the document is to be given;
  - (ii) of the rights of review and appeal conferred by this Part in relation to the determination;

and

- (iii) of the procedures to be followed for the purpose of exercising those rights;

and

- (d) defer giving access to the document until after the expiration of the period within which an application for a review or appeal under this Part may be made or, if such an application is made, until after the application has been finally disposed of.

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(4) If—

- (a) an application is made to a council for access to a document referred to in subsection (1)(b);
- (b) the document contains information of a medical or psychiatric nature concerning the applicant;
- (c) the council is of the opinion that disclosure of the information to the applicant may have an adverse effect on the physical or mental health, or the emotional state, of the applicant;

and

- (d) the council decides that access to the document is to be given,

it is sufficient compliance with this section if access to the document is given to a registered medical practitioner nominated by the applicant.

(5) A reference in this section to the person concerned is, in the case of a deceased person, a reference to the personal representative of that person or, if there is no personal representative, the closest relative of that person of or above the age of 18 years.

**DIVISION V—AMENDMENT OF RECORDS**

**Right to apply for amendment of councils' records**

**65zh.** A person to whom access to a council's documents has been given may apply for the amendment of the council's records if—

- (a) the document contains information concerning the person's personal affairs;
- (b) the information is available for use by the council in connection with its administrative functions;

and

- (c) the information is, in the person's opinion, incomplete, incorrect, out-of-date or misleading.

**Applications for amendment of councils' records**

**65zi.** An application for the amendment of a council's records—

- (a) must be in writing;
- (b) must specify that it is made under this Part;
- (c) must contain such information as is reasonably necessary to enable the council's document to which the applicant has been given access to be identified;
- (d) must specify the respects in which the applicant claims the information contained in the document to be incomplete, incorrect, out-of-date or misleading;
- (e) if the applicant claims that the information contained in the document is incomplete or out-of-date—must be accompanied by such information as is necessary to complete the council's records or to bring them up-to-date;

(f) must specify an address in Australia to which notices under this Part should be sent;

and

(g) must be lodged at an address specified in the council's information statement for the purpose of lodgment of applications under this Part.

**Time within which applications to be dealt with**

**65zj.** An application must be dealt with as soon as practicable (and, in any case, within 45 days) after it is received.

**Incomplete applications**

**65zk.** A council must not refuse to accept an application merely because the application does not contain sufficient information to enable the council's document to which the applicant has been given access to be identified without first taking such steps as are reasonably practicable to assist the applicant to provide such information.

**Determination of applications**

**65zl.** (1) A council must determine an application—

(a) by amending its records in accordance with the application;

or

(b) by refusing to amend its records.

(2) A council that fails to determine an application within 45 days after the application is received by the council is, for the purposes of this Part, to be taken to have determined the application by refusing to amend its records in accordance with the application.

**Refusal to amend records**

**65zm.** A council may refuse to amend its records in accordance with an application—

(a) if it is satisfied that its records are not incomplete, incorrect, out-of-date or misleading in a material respect;

(b) if it is satisfied that the application contains matter that is incorrect or misleading in a material respect;

or

(c) if the procedures for amending its records are prescribed by or under the provisions of a legislative instrument other than this Part, whether or not amendment of those records is subject to a fee or charge.

**Notices of determination**

**65zn.** (1) A council must give written notice to the applicant—

(a) of its determination of his or her application;

or

(b) if the application relates to records that are not held by the council—of the fact that the council does not hold such records.

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(2) Such a notice must specify—

(a) the day on which the determination was made;

and

(b) if the determination is to the effect that amendment of the council's records is refused—

(i) the name and designation of the officer by whom the determination was made;

(ii) the reasons for the refusal;

(iii) the findings on any material questions of fact underlying those reasons, together with a reference to the sources of information on which those findings are based;

(iv) the rights of review and appeal conferred by this Part in relation to the determination;

and

(v) the procedures to be followed for the purpose of exercising those rights.

(3) A council is not required to include in a notice any matter if its inclusion in the notice would result in the notice being an exempt document.

**Notations to be added to records**

**65zo.** (1) If a council has refused to amend its records, the applicant may, by notice in writing lodged at an office of the council, require the council to add to those records a notation—

(a) specifying the respects in which the applicant claims the records to be incomplete, incorrect, out-of-date or misleading;

and

(b) if the applicant claims the records to be incomplete or out-of-date—setting out such information as the applicant claims is necessary to complete the records or to bring them up-to-date.

(2) A council must comply with the requirements of a notice lodged under this section and must cause written notice of the nature of the notation to be given to the applicant.

(3) If a council discloses to any person (including any other council) any information, contained in the part of its records to which a notice under this section relates, the council—

(a) must ensure that, when the information is disclosed, a statement is given to that person—

(i) stating that the person to whom the information relates claims that the information is incomplete, incorrect, out-of-date or misleading;

and

(ii) setting out particulars of the notation added to its records under this section;

and

- (b) may include in the statement the reason for the council's refusal to amend its records in accordance with the notation.

(4) Nothing in this section is intended to prevent or discourage councils from giving particulars of a notation added to its records under this section to a person (including any other council and any chief executive officer of a council) to whom information contained in those records was given before the commencement of this section.

## DIVISION VI—REVIEW

### SUBDIVISION I—INTERNAL REVIEW

#### Interpretation

**65zp.** In this Division—

"**local court**" means a local court of limited jurisdiction within, or nearest to, the area of the council whose determination is the subject of appeal under this Division.

#### Internal review

**65zq.** (1) Subject to subsection (6), a person who is aggrieved by a determination made by a council on an application under Division IV or V is entitled to a review of the determination.

(2) An application for review of a determination—

- (a) must be in writing;
- (b) must be accompanied by such application fee as may be prescribed;
- (c) must be addressed to the chief executive officer of the council;
- (d) must specify an address in Australia to which notices under this Part should be sent;

and

(e) must be lodged, at an address specified in the council's information statement for the purpose of lodgment of applications under this Part, within 28 days after the day on which notice of the determination was given to the applicant or within such further time as the chief executive officer of the council may allow.

(3) On an application for review under this section, the council may confirm, vary or reverse the determination under review.

(4) If on a review the council varies or reverses a determination so that access to a document is to be given (either immediately or subject to deferral), the council must refund any application fee paid in respect of the review.

(5) A council that fails to determine an application made under this section within 45 days after it is received by the council is, for the purposes of this Part, to be taken to have confirmed the determination in respect of which review is sought.

(6) Where a determination is made by resolution of a council, it is not subject to review under this section.

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**SUBDIVISION II—REVIEW BY THE OMBUDSMAN**

**Review by the Ombudsman**

**65zr.** (1) A person—

(a) who is dissatisfied with a determination of a council that is liable to internal review and remains dissatisfied following an internal review;

or

(b) who is dissatisfied with a determination that is not subject to internal review,

may apply for a review of the determination to the Ombudsman.

(2) Where such an application is made—

(a) the Ombudsman may carry out an investigation into the subject-matter of the application (and for the purposes of such an investigation the Ombudsman may exercise the same investigative powers as are conferred on the Ombudsman by the *Ombudsman Act 1972* in relation to an investigation duly initiated under that Act);

and

(b) if satisfied that the determination was not properly made, direct the council to make a determination in specified terms.

(3) The propriety of a council certificate under section 65zy cannot be questioned in proceedings under this section.

**SUBDIVISION III—REVIEW BY THE DISTRICT COURT**

**Right of appeal**

**65zs.** (1) A person—

(a) who is dissatisfied with a determination of a council that is liable to internal review and remains dissatisfied following an internal review;

or

(b) who is dissatisfied with a determination that is not subject to internal review,

may appeal against the determination to a local court.

(2) On such an appeal the Court may—

(a) confirm, vary or reverse the determination to which the appeal relates or remit the subject-matter of the appeal to the council for further consideration;

(b) make such further or other orders (including orders for costs) as the justice of the case may require.

**Time within which appeals to be commenced**

**65zt.** (1) An appeal must be commenced—

(a) where there has been a review of the determination by the council or the Ombudsman—within 60 days after notice of the decision on review of the determination is given to the applicant;

or

(b) in any other case—within 60 days after the date of the determination.

(2) Where an application for review is made to the Ombudsman, an appeal cannot be commenced until the application is decided and the commencement of an appeal to a local court bars any right to apply to the Ombudsman for a review.

**Procedure for hearing appeals**

**65zu.** (1) Subject to subsection (2), an appeal will be by way of a re-hearing and evidence may be taken on the appeal.

(2) Where it appears that the determination subject to appeal has been made on grounds of public interest, and the Minister administering the *Freedom of Information Act 1991* makes known to the Court his or her assessment of what the public interest requires in the circumstances of the case subject to the appeal, the Court must uphold that assessment unless satisfied that there are cogent reasons for not doing so.

(3) Neither the Ombudsman nor any officer of the Ombudsman can be called to give evidence on an appeal.

**Consideration of restricted documents**

**65zv.** (1) A local court may, on the application of the appellant, consider the grounds on which it is claimed that a document is a restricted document, notwithstanding that the document is the subject of a council certificate under section 65zy.

(2) In any proceedings under this section, the Court must, on the application of the council concerned, receive evidence and hear argument in the absence of the public, the appellant and, where in the opinion of the Court it is necessary to do so in order to prevent the disclosure of any exempt matter, the appellant's representative.

(3) If the Court is not satisfied, by evidence on affidavit or otherwise, that there are reasonable grounds for the claim, it may require the document to be produced in evidence before it.

(4) After considering any document produced before it, the Court may make a declaration—

(a) if satisfied that there are reasonable grounds for the claim—that the document is a restricted document by virtue of a specified provision of Subdivision I of Division II;

(b) if not satisfied that there are reasonable grounds for the claim—that the document is not a restricted document.

(5) The Court must not make such a declaration unless the Court—

(a) has given the council a reasonable opportunity to appear and be heard in relation to the matter;

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(b) has given due weight to any submissions made by or on behalf of the council.

(6) For the purposes of any proceedings under this section, the council is a party to the proceedings.

(7) A council certificate under section 65zy the subject of a declaration under this section ceases to have effect at the end of 45 days after the declaration is made unless, before the end of that period, the council confirms the certificate by resolution of the council.

(8) If the council confirms the certificate, the council must give notice of the confirmation of the certificate to the Minister administering the *Freedom of Information Act 1991* and the appellant.

(9) Such a notice must specify—

(a) the reasons for the council's decision to confirm the certificate;

and

(b) the findings on any material questions of fact, together with a reference to the sources of information on which those findings are based.

(10) Nothing in this section requires any matter to be included in a notice if its inclusion in the notice would result in the notice being an exempt document.

(11) If a council certificate under section 65zy ceases to have effect by virtue of this section, the document to which it relates is not to be regarded as a restricted document by virtue of Subdivision I of Division II.

(12) If the council withdraws a certificate the subject of an order under this section before the end of the period of 45 days referred to in subsection (7), the council must, as soon as practicable, serve notice on the appellant that the certificate is no longer in force.

**Disciplinary action**

**65zw.** Where a local court, at the completion of an appeal under this Part, is of the opinion that there is evidence that a person, being an officer of a council, has been guilty of a breach of duty or of misconduct in the administration of this Part and that the evidence is, in all the circumstances, of sufficient force to justify it in doing so, the Court may bring the evidence to the notice of—

(a) if the person is the chief executive officer of a council—that council;

or

(b) if the person is an officer of a council but not the chief executive officer of the council—the chief executive officer of that council.

**Appeals to Supreme Court**

**65zx.** (1) Subject to the rules of the Supreme Court, an appeal lies against a decision of a local court under this Division.

(2) Such an appeal is limited to questions of law.



**DIVISION VII—MISCELLANEOUS**

**Council certificates**

**65zy.** (1) A certificate signed by the chairman or mayor of a council that states that a specified document is a restricted document by virtue of a provision of Subdivision I of Division II is, except for the purposes of section 65zv, conclusive evidence that the document is a restricted document by virtue of that provision.

(2) A certificate under this section ceases to have effect at the end of two years after it is signed unless it is sooner withdrawn by resolution of the council.

(3) Nothing in subsection (2) prevents the council from approving, by resolution, the issue of a further certificate in respect of the same document.

**Burden of proof**

**65zz.** In any proceedings concerning a determination made under this Part by a council, the burden of establishing that the determination is justified lies on the council.

**Protection in respect of actions for defamation or breach of confidence**

**65zza.** (1) If access to a document is given pursuant to a determination under this Part, and if the person by whom the determination is made honestly believes, when making the determination, that this Part permits or requires the determination to be made—

(a) no action for defamation or breach of confidence lies against a council or an officer of a council, by reason of the making of the determination or the giving of access;

and

(b) no action for defamation or breach of confidence in respect of any publication involved in, or resulting from, the giving of access lies against the author of the document or any other person by reason of the author or other person having supplied the document to a council or the chief executive officer of a council.

(2) Neither the giving of access to a document pursuant to a determination under this Part nor the making of such a determination constitutes, for the purposes of the law relating to defamation or breach of confidence, an authorization or approval of the publication of the document or its contents by the person to whom access is given.

**Protection in respect of certain criminal actions**

**65zzb.** If access to a document is given pursuant to a determination under this Part, and if the person by whom the determination is made honestly believes, when making the determination, that this Part permits or requires the determination to be made, neither the person by whom the determination is made nor any other person concerned in giving access to the document is guilty of an offence merely because of the making of the determination or the giving of access.

**Fees and charges**

**65zzc.** (1) The fees and charges payable under this Part must be fixed by the regulations or in accordance with a scale fixed in the regulations.

(2) The regulations—

(a) must provide for such waiver or remission of fees as may be necessary to ensure that disadvantaged persons are not prevented from exercising rights under this Part by reason of financial hardship;

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(b) must provide for access to documents by Members of Parliament without charge unless the work generated by the application exceeds a threshold stated in the regulations,

and (except as provided above) the fees or charges must reflect the cost incurred by councils in exercising their functions under this Part.

(3) Where a council determines a fee or charge it must, at the request of the person required to pay, review the fee or charge and, if it thinks fit, reduce it.

(4) A person dissatisfied with the decision of a council on an application for review of a fee or charge may apply to the Ombudsman for a further review, and the Ombudsman may, according to his or her determination of what is fair and reasonable in the circumstances of the particular case—

(a) waive, confirm or vary the fee or charge;

(b) give directions as to the time for payment of the fee or charge.

(5) A fee or charge may be recovered by a council as a debt.

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**Local Government Act, 1934**

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**PART XVI  
GOVERNMENT GRANTS**

\* \* \* \* \*

**Grant to council of City of Adelaide**

**300a.** (1) The Governor may, on the recommendation of the Commissioner of Highways, direct that a grant of an amount not exceeding \$40 000 be paid out of the Highways Fund established under the *Highways Act, 1926*, to the council of the City of Adelaide.

(2) Any amount received by the council pursuant to subsection (1) must be expended by the council in defraying the cost of operations in connection with roads which abut the park lands within the City of Adelaide but do not abut ratable property within the City and work appertaining to such roads, and any such amount must not be expended by the council for any other purpose.

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(4) This section applies only during such time as the *Highways Act, 1926* (other than the proviso to section 2 of that Act) does not apply to the City of Adelaide.

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**PART XVII  
STREETS, ROADS AND PUBLIC PLACES**

**DIVISION I—PUBLIC STREETS AND ROADS**

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**DIVISION II—WIDTH OF STREETS AND ROADS**

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**DIVISION III—ALIGNMENT OF PUBLIC STREETS AND ROADS**

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**DIVISION IV—PLANS AND REGISTERS OF PUBLIC STREETS AND ROADS  
WITHIN MUNICIPALITIES**

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**DIVISION V—FORMING, PAVING, REPAIRING, WIDENING, ETC., OF  
STREETS AND ROADS**

*(a) Provisions Applicable Generally*

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*(b) Provisions Applicable to Municipalities only*

**Power of engineer to put up barriers, etc.**

**322.** (1) The engineer or any officer of the council authorized by the council for the purpose may, during such time as any street, road or public place in the municipality is under construction, alteration or repair, or during the making or repairing of any sewers or drains in the municipality, prevent the passing of vehicles, horses and cattle while the works and repairs are in progress by causing such fences or barriers to be placed on or across any such street, road or public place as the engineer or authorized officer thinks fit.

(2) During the time that any such fences or barriers are in position, the engineer or authorized officer must cause such lights to be affixed on them as are sufficient to give effective warning during the night of the fences or barriers.

**Power of council and mayor to partially barricade streets**

**323.** (1) The fences and barriers referred to in section 322 may be placed across a portion only of the street, road or public place in question and the council or the mayor may by notice published in the *Gazette*—

- (a) regulate and fix the direction in which vehicles, horses, cattle, cycles and motor cycles may proceed along the portion of the street, road or public place which is not fenced or barricaded under that section;
- (b) prohibit either wholly or except under any specified conditions the standing of vehicles of any kind, horses, cattle, cycles and motor cycles on any portion of a street, road or public place which is not fenced or barricaded under that section, and may for that purpose suspend the operation of any by-law.

(2) If in contravention of any such notice any person drives, draws or propels any vehicle, or drives, rides or leads any horse or cattle, or rides any cycle or motor cycle along any portion of a street, road or public place, or causes or allows any vehicle, horse, cattle, cycle or motor cycle to stand on any portion of a street, road or public place, that person is guilty of an offence.

Penalty: \$4.

**Penalty for damaging barrier, etc.**

**324.** Any person who, except with the authority of the council or of the engineer or of an officer of the council authorized by the council for the purpose—

(a) damages, injures, removes or interferes with any fence or barrier placed over or across any street, road or public place pursuant to section 322;

or

(b) drives, draws or propels any vehicle, or drives, rides or leads any horse or other animal, or rides any motor cycle or cycle, over any portion of any street, road or public place which has been closed to traffic by the placing of a fence or barrier under that section,

is guilty of an offence.

Penalty: \$200.

*(c) Provisions Applicable to Districts only*

**Power to place barriers across roads, etc., during alteration and repair**

**325.** (1) The council of any district may, during such time as any street, road or public place is under repair or alteration, or during the making or repairing of any bridges or drainage works on a street, road or public place, prevent the passing of vehicles, horses and cattle by causing such fences or barriers to be placed on or across the street, road or public place as the council or the officer in charge thinks fit.

(2) The council must cause such lights as are sufficient to give effective warning of the fences or barriers to be fixed and kept alight throughout the night on fences and barriers placed on or across a street, road or public place under subsection (1), or if there are no such fences and barriers available for the purpose, then must cause such lights to be provided as are sufficient to give effective warning of the carrying out of the work.

The Governor may make regulations prescribing any form of reflector (including the angles at which reflectors must be placed) which may, during such time as any such regulation is in force, be used in substitution for the lights required to be used by this subsection.

(3) Subsection (2) does not apply where the repair or alteration consists only in the re-sheeting of a street, road or public place with road metal broken down to a gauge of not more than 63.5 millimetres, provided that the terminals of the re-sheeting do not exceed 100 millimetres in height and that no heaps or stacks of road metal (other than such as are permitted by section 326 to be so left) are left on the street, road or public place during the night.

(4) Any person who, without the authority of the council or of the officer in charge—

(a) damages, injures, removes or interferes with any fence or barrier placed on or across any street, road or public place under subsection (1);

or

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- (b) drives, draws or propels any vehicle, or drives, rides or leads any horse or cattle, or rides any motor cycle or cycle, over any portion of any street, road or public place that has been closed to traffic by the placing of a fence or barrier under subsection (1),

is guilty of an offence.

Penalty: \$200.

**DIVISION VI—FOOTWAYS**

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**DIVISION VII—PETROL PUMPS ON FOOTWAYS**

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**DIVISION VIII—CROSSING PLACES**

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**DIVISION IX—REINSTATEMENT OF STREETS AND ROADS**

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**DIVISION X—FORMATION, REPAIR, ETC., OF PRIVATE STREETS AND ROADS**

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**DIVISION XI—UNFENCED LAND, EXCAVATIONS, ETC., ADJOINING STREETS AND ROADS**

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**DIVISION XIV—VARIOUS MATTERS**

**Prohibition of traffic or closure of streets or roads**

**359.** (1) The council may by resolution, supported by a majority of all members of the council, exclude vehicles generally or vehicles of a particular class from a particular street, road or public place or part of a particular street, road or public place.

(2) The council may by resolution revoke or vary any such resolution.

(3) Subject to the *Road Traffic Act, 1961*, the council may erect such barricades or other traffic control devices as are necessary to give effect to a resolution passed under this section.

(4) A resolution passed under this section cannot take effect before it has been published in the *Gazette* and in a newspaper circulating in the area.

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PART XXV  
SEWERAGE AND DRAINAGE

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**Resolution of council for providing of bacteriolytic tanks**

**528.** (1) The council may, by resolution passed by an absolute majority, declare that all the buildings within the area, or any part of the area, must be provided with bacteriolytic tanks for the disposal of sewage; but no such resolution may be passed unless the council is of opinion that there is a proper supply of water in or with respect to the area or part (as the case may be) for the purposes of the disposal of sewage by means of bacteriolytic tanks.

(1a) The council may, by resolution passed in the manner and under the circumstances provided for by subsection (1), declare that all the buildings within the area, or any part of it, which are erected after a day fixed by the resolution, must be provided with bacteriolytic tanks for the disposal of sewage. The council may, at any time subsequent to passing a resolution pursuant to this subsection, pass a resolution under subsection (1) relating to any part of the area to which a resolution under this subsection applies.

(1b) Before a resolution is passed under subsection (1) or (1a), the proposal must be submitted by the council to the South Australian Health Commission and the Commission must, after making such inquiries as it considers necessary, report to the council whether or not, in its opinion, the area or part to which it is proposed that the resolution should apply is suitable for the installation of bacteriolytic tanks and whether or not the Commission approves of the passing of the resolution. No resolution of the council under subsection (1) or (1a) has any force or legal effect unless the passing of the resolution is approved by the Commission.

(2) Every such resolution, together with the approval of the South Australian Health Commission to the passing of the resolution, must be published in the *Gazette*.

**Installation of bacteriolytic tanks**

**529.** (1) Within the time fixed by the resolution or, if no time is fixed, then within six months of the publication of the resolution in the *Gazette*, the owner of every building (to which the resolution applies) in the area or part must provide and install a bacteriolytic tank for the disposal of sewage from the building.

(2) If the owner fails to provide or install the bacteriolytic tank, the council may supply or install a bacteriolytic tank with respect to the building. For that purpose any person authorized by the council to do so may enter any land and perform any work necessary for carrying out the provisions of this section. The cost to the council of supplying or installing the tank is a debt due to the council by the owner of the building, and is until paid a charge on the land in respect of which the cost is incurred.

(3) All bacteriolytic tanks installed pursuant to this section must be installed in conformity with the *Public and Environmental Health Act 1987*.

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**Provision of treatment unit instead of bacteriolytic tank**

**530a.** In any case where, pursuant to this Division, an owner is required to provide and install a bacteriolytic tank, the council may by notice in writing permit the owner to provide and install in place of such a tank a method of treatment approved by the South Australian Health Commission. Any such permit may be given subject to conditions considered desirable by the council and may be withdrawn by the council.

**"All purpose" bacteriolytic tank**

**530b.** In any case where, pursuant to this Division, the council requires the installation of a bacteriolytic tank, the council may, with the approval of the South Australian Health Commission, require the installation of a bacteriolytic tank of the kind known as an "all purpose" tank, namely, a bacteriolytic tank which is suitable for the disposal of sullage and waste water in addition to sewerage.

**Septic tanks**

**530c.** (1) If a council proposes to undertake a scheme for the disposal of septic tank effluent, the council must give notice of the proposed scheme to the owners of land in the part of its area affected by the scheme.

\* \* \* \* \*

(3) A notice under subsection (1) must include, or be accompanied by—

- (a) details of the proposed scheme, including a description of any land that would be benefited by the scheme;
- (b) an estimate of the costs of the scheme;
- (c) particulars of the manner in which the scheme would be financed, including the manner in which the capital and operating costs would be recovered;

and

- (d) details of any plans and specifications relating to the scheme that are available for public inspection.

(4) An owner of land within the part of the area affected by the proposed scheme may, within 21 days after the receipt of the notice, lodge an objection to the proposed scheme with the council.

(5) The council must consider any objection lodged under subsection (4) and may abandon the scheme or proceed with it with such modifications as it thinks fit.

(6) If a scheme is undertaken, the owner of every building in the part of the council's area affected by the scheme must, at the request of the council, at the owner's own expense—

- (a) provide effluent drains conforming to specifications approved by the South Australian Health Commission that may be necessary for the purposes of the scheme;

and

- (b) remove any sludge that may from time to time accumulate in the tank.

(7) Where a request under subsection (6) is not complied with, the council may have the work carried out (and a person authorized to do so by the council may enter premises at any reasonable time for the purposes of carrying out the work).

(8) The council may recover as a debt costs and expenses reasonably incurred under subsection (7) from the person in default.

(9) Any costs and expenses recoverable under subsection (8) are, while they remain unpaid, a charge on the land.



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(10) The regulations may prescribe guidelines to assist councils in undertaking schemes for the disposal of septic tank effluent.

(11) A regulation may incorporate, adopt, apply or make prescriptions by reference to, with or without modification, any code or standard prepared or published by any body or authority as in force at the time the regulation is made or as in force from time to time.

(12) A regulation cannot be made for the purposes of this section except after consultation with the Local Government Association of South Australia.

**Limitation of application of Part**

**531.** This Part does not apply to any area or portion of an area which is included within the drainage area as defined by the *Sewerage Act, 1929*.

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**PART XXVI  
PUBLIC HEALTH**

**DIVISION I—PROVISIONS APPLICABLE GENERALLY**

**Power of council to provide public conveniences**

**532.** The council may—

- (a) provide public urinals, waterclosets, privies and similar conveniences, in situations or places (either above or below the surface of any public street or road, park lands, square or reserve) where the council thinks such accommodation is required;
  - (b) supply any such conveniences with water;
  - (c) maintain and keep them in good order;
- and
- (d) defray the consequent expenses, and any damage occasioned to any person by the erection of the conveniences, out of the general revenue of the council.

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**Property in nightsoil, ashes and all refuse collected**

**535.** (1) The nightsoil, dung, ashes, filth and refuse which the council causes to be collected from the streets, roads, houses, privies, sewers, cesspools or elsewhere within the area, and carried away, is the property of the council.

(2) The council may sell or dispose of it as the council thinks proper.

**Keeping of pigs, cattle, etc.**

**536.** (1) A person who keeps or breeds pigs, or allows them to remain within a municipality or township, or an area within 100 metres of the borders of a township, except at a place appointed by the council, is guilty of an offence.

Penalty: \$200.

(2) The council may by notice in writing given to the owner or occupier of premises within the municipality or township, or within 100 metres of the borders of a township, prohibit the keeping of cattle or goats on the premises and may in writing revoke any such notice. A person who keeps cattle or goats on premises contrary to such a notice is guilty of an offence.

Penalty: \$200.

(3) Subsection (1) does not apply to the keeping of pigs in a township within a district if at the commencement of the *Local Government Act Amendment Act, 1972*, or immediately prior to the commencement, the place in which they are kept was used for the keeping of pigs, but the council may give notice in writing to any person keeping pigs in any such place that at the expiration of 12 months the exemption given by this subsection will cease and at the expiration of that period of 12 months the exemption ceases accordingly.

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**Penalty if smoke, dust, fumes or gas from premises other than dwelling houses amount to nuisance**

**540a.** (1) If from any premises (other than a private dwelling), within a municipality or township within a district, smoke, dust, fumes or gases are emitted in such quantity as to be a nuisance, the owner or occupier of the premises is guilty of an offence.

Penalty: (a) if not previously convicted—\$50;

(b) on a second conviction—\$100;

(c) on a third or subsequent conviction—twice the maximum penalty applicable on the last preceding conviction.

(2) In proceedings under this section it is a sufficient defence to show—

(a) that the defendant, at all times material to the alleged offence, has, in connection with the premises in question, made use of any means generally recognized as sufficient, having regard to the nature of the manufacture or trade carried on at the premises, and to the character of the locality, for preventing the emission of smoke, dust, fumes or gases, or carried out the reasonable requirements of the council for preventing the emission;

or

(b) that the council, after being requested in writing to do so by the defendant, has not made known its requirements for preventing the emission of smoke, dust, or such fumes or gases from the premises in question.

(3) In proceedings under this section—

(a) it is not necessary to prove that the smoke, dust, fumes or gases are injurious to health;

and

(b) the premises from which the smoke, dust, fumes or gases are emitted will not be taken to be a private dwelling unless the contrary is shown.

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**Local Government Act 1934**

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**PART XXX  
CEMETERIES**

**Power of council to establish cemetery, crematorium and mortuary**

**585.** (1) The council must, if of opinion that there is no adequate provision (whether within or outside the area) for the burial of persons dying within the area, make such provision by the establishment of a public cemetery.

(2) The council may establish a crematorium and may, subject to the *Cremation Act, 1891*, permit and control the cremation of the dead in it.

(3) The council may establish and manage public mortuaries for the temporary repose of the dead pending burial or cremation.

**Establishment of cemeteries**

**586.** (1) A cemetery must not be established or extended within an area by any person other than the council without the consent in writing of the council.

(2) An application for such consent must be accompanied by plans of the site of the proposed cemetery or extension.

(3) Notice of the intention to make such an application must be published in the *Gazette* and in a newspaper circulating within the area at least one month before the application is considered by the council, and the council must consider the application within three months after it is made.

(4) A person who establishes or extends a cemetery in an area without the consent in writing of the council, is guilty of an offence.

Penalty: Not less than \$100 nor more than \$200, plus a further penalty of not less than \$100 nor more than \$200 for every day during which the offence continues.

(5) No consent under this section is necessary for the establishment or extension of a cemetery on land which is dedicated by the Governor as a cemetery pursuant to the *Crown Lands Act, 1929*.

**Closing of cemeteries**

**587.** (1) The council may petition the Governor for the closure of a cemetery or part of a cemetery in the area which is unsuitable or is no longer suitable for burial purposes.

(2) The Governor, if of opinion that a cemetery or part of a cemetery (whether within or outside an area) is unsuitable or no longer suitable for burial purposes, may on any such petition or without petition, by proclamation close the cemetery or part.

(3) Upon the making of any such proclamation, the cemetery or part referred to in the proclamation ceases to be a cemetery and must not be used for burial purposes unless a right for burial purposes has been acquired over any portion of the cemetery or part, in which case the portion may be used for the burial of the person by whom the right was acquired or any member of the family of that person.

**Provisions as to closed cemeteries**

**588.** (1) If any land comprised in any cemetery closed pursuant to section 587 or a corresponding previous enactment is vested in or under the care, control and management of the council, the council may petition the Governor praying that the Governor may—

(a) determine any trust on which the land is held by the council;

(b) dedicate the land as park lands.

(2) Upon receipt of any such petition the Minister—

(a) must publish the substance of the petition at least twice in a newspaper circulating in the area, and at least twice in a newspaper published in Adelaide, calling on any persons objecting to the exercise of the powers under this section to state their objections to the Minister;

and

(b) must cause any inquiries the Minister may think fit to be made with a view to ascertaining whether any rights for burial purposes exist over the land and for otherwise ascertaining whether there is any reason why the powers given by this section should not be exercised.

(3) If the Governor is satisfied that the powers given by this section should be exercised, the Governor may by proclamation—

(a) determine any trust on which the council holds the land;

and

(b) dedicate the land as park lands.

(4) No such proclamation may be made until the expiration of six months after the publication of the last notice referred to above.

(5) Upon the making of any such proclamation—

(a) any such trust is determined;

(b) any right for burial purposes in relation to the land is determined;

and

(c) the land becomes park lands.

(6) The council must in addition to paying the costs of the advertisements pay to the Minister the cost of any inquiry under this section.

#### **Powers of council with respect to neglected cemeteries**

**589.** (1) If the council is of opinion that any cemetery within the area is in a neglected condition, or in any manner fails to comply with any requirement of any regulation made by the Governor under this Part, the council may, by notice in writing given to the person in whom the fee simple of the cemetery is vested (whether as trustee or otherwise), require that person to carry out any work for the purpose of remedying the condition of neglect or complying with the requirement.

(2) If within the time fixed by the notice the person fails to carry out the work, the council may carry out the work and for that purpose enter into and remain (by its officers and servants) on the cemetery. The cost of carrying out the work must be paid to the council by the person in default.

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If the cemetery is vested in any person as trustee and the cemetery was established before the commencement of this Act, the amount payable pursuant to this subsection to the council is limited to the amount in the hands of the trustee for the purposes of the cemetery.

**Power to take over cemeteries**

**590.** (1) If the owner of any cemetery within an area is unknown, or if any such cemetery is held by trustees who are dead or unknown, and the council is of opinion that for the proper upkeep and care of the cemetery the council should assume the care, control and management of the cemetery, the council may, by a resolution passed by an absolute majority, assume the care, control and management of the cemetery.

(2) Notice of every such resolution must be published in the *Gazette*.

(3) The cemetery becomes, on publication of the notice, a public cemetery and is thereafter under the care, control and management of the council, and the council may exercise in respect of the cemetery the same powers as if the cemetery were a public cemetery vested in the council.

**Power of council to accept conveyances of cemetery lands from trustees**

**591.** (1) The trustees of any land within an area held on trust for a cemetery may convey it to the council if the council is willing to accept the trust.

(2) The council will hold the cemetery on the original trusts or such of them as are applicable.

(3) The trustees are, from the time of the conveyance, discharged from the trusts.

(4) The council must not accept a conveyance of any such cemetery under this section if under the trusts on which the council will hold the cemetery the use of the cemetery is confined to the burial of persons of a particular religious denomination or sect.

**Power to set apart portion of cemetery for religious denomination**

**591a.** The council may set apart any portion of a cemetery vested in or under the care, control and management of the council for the burial of persons of a particular religious denomination.

**Power to manage cemeteries**

**592.** The council may grant rights for burial purposes over any part of a cemetery vested in, or under the care, control and management of, the council, and may do any other things necessary for the upkeep, maintenance and management of the cemetery. No such right for burial purposes may be granted for a longer term than 99 years.

**Penalty for interring human body except at public cemetery**

**593.** A person who interrs, or aids or suffers the interment of, any human body—

- (a) in any church or place (other than a cemetery) within any municipality or any township in any district;
- (b) in any cemetery or part of a cemetery closed pursuant to section 587 (except pursuant to rights granted before the closure),

is guilty of an offence.

Penalty: Not less than \$100 nor more than \$200, plus a further penalty of not less than \$100 nor more than \$200 for every day after notice to remove the body has been given by the council, during which the body is allowed to remain so interred.

**Power of entry**

**594.** An officer of the council authorized for the purpose may, for the purpose of inspecting a cemetery within the area, enter the cemetery at any reasonable time in the daytime.

**Regulations**

**595.** (1) The Governor may, on the recommendation of the South Australian Health Commission, make regulations—

- (a) regulating the position and depths of graves in cemeteries;
- (b) regulating the construction of coffins to be admitted to vaults;
- (c) regulating the covering of vaults so as to prevent the escape of any noxious exhalation;
- (d) regulating the exhumation or removal of corpses from any place of interment;
- (e) regulating the granting of rights for burial purposes in cemeteries and the manner of granting such rights;
- (f) regulating the maximum charges and fees which may be charged by a council for burial rights and other rights and services granted in respect of any cemetery under its care, control or management;
- (g) providing for the keeping of proper records with respect to cemeteries, including records of burials, exhumations, and of burial or other rights granted in respect of the cemetery;
- (h) for the general regulation of cemeteries and for sanitary purposes connected with any cemetery;
- (i) regulating the construction and the general regulation of mortuaries established by councils;
- (j) providing penalties not exceeding \$200 for the breach of any regulation.

(2) Any such regulation may be restricted in its application to any specified cemetery.

(3) Any such regulation which is not limited in its application as provided by subsection (2) applies to the whole of the State and to all cemeteries.

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**Provisions applicable to outside areas**

**596.** This Part applies to the portion of the State not comprised within any area, and the South Australian Health Commission has in respect of that portion of the State all the powers conferred on councils by this Part except sections 585, 590, 591 and 592, and this Part will, *mutatis mutandis*, be construed accordingly.

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**PART XXXIV  
HIDE AND SKIN MARKETS AND BAZAARS**

**Power to licence hide and skin markets**

**629.** (1) A council may—

(a) grant annual licences to any premises within its area which the council on examination, thinks suitable for the purpose of the storage and sale of raw or green hides or skins;

and

(b) fix, charge and take such annual fees for the licence of the premises as the council thinks fit.

(2) A person who stores, keeps or has any raw or green hides in an area except in premises specially licensed by the council for that purpose, or in a tannery where raw or green hides or skins are used solely for manufacturing purposes, is guilty of an offence.

Penalty: \$200.

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**Power to licence bazaars**

**631.** A council may grant annual licences in respect of any suitable premises within its area as a bazaar or repository for the sale of horses, cattle or animals of any other kind that the council thinks appropriate.

**Penalty for selling horses, etc., except at markets or bazaars**

**632.** A person who within an area exhibits for sale any horses, cattle or animals of any other kind, except at public markets or at bazaars conducted by a council, or licensed under this Part, or by auction or private contract at a private residence, is guilty of an offence.

Penalty: \$200.

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PART XXXIX
BY-LAWS, MODEL BY-LAWS AND REGULATIONS

DIVISION I—BY-LAWS

By-laws

667. (1) Subject to this Act, a council may make by-laws for all or any of the following purposes:

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Uses and Licences

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XVI. for controlling, licensing, inspecting and regulating common lodging houses and other lodging houses;

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XX. for the licensing for use of any vehicles (including motor and all other vehicles) plying for hire, or kept or let for hire, either for the conveyance of passengers or goods of any kind, and for prohibiting the use of such vehicles unless so licensed; and for licensing the drivers and conductors of such vehicles, and for prohibiting the driving of such vehicles, except by a person so licensed;

XXI. for appointing the stands for vehicles plying for hire, and the regulations to be observed thereat;

XXII. for regulating the conduct of the drivers, conductors and other persons attendant on or in charge of licensed vehicles;

XXIII. for regulating and licensing any such vehicles used in hawking firewood or water;

XXIV. for fixing the rates and fares to be taken, and the manner of computing distances, with power to distinguish between different types of vehicles;

XXV. for enforcing the obligation of owners and drivers to convey passengers and goods on demand;

XXVI. for limiting the number of such passengers (inside and outside), their baggage and goods, and regulating the taking up and setting down of passengers and fares for children;

XXVII. for the maintenance of vehicles in proper condition and order, and regulating how they are to be furnished, provided and kept;

XXVIII. for enforcing the painting of the names of the owners and the numbers on the vehicles, and keeping affixed within the vehicles authorized tables of fares and distances;

XXIX. for providing for the delivery over and disposal of articles left in licensed vehicles;

- XXX. for compelling the approved owner or driver to be in charge of such vehicles, and preventing it from being driven by others, and for preventing persons not hiring it from riding with the owner or driver;
- XXXI. for preventing smoking in any such vehicle, or by its driver;
- XXXII. for prohibiting coffins, containing the corpses of deceased persons above the age of two years, from being conveyed in any vehicle licensed for the conveyance of passengers;
- XXXIII. for punishing the misconduct of the drivers and conductors of, and persons attending any such passenger or other vehicles, in carelessly or furiously driving or racing, or in demanding or receiving more than the legal fare, or in using any threatening, abusive, indecent or insulting language; and also for punishing persons hiring such vehicles and evading or attempting to evade the payment of fares;
- XXXIV. for regulating the routes to be observed by licensed buses or passenger vehicles plying as buses;
- XXXV. for requiring all licensed vehicles, of whatever sort, to have the number of their licence conspicuously painted on and in the vehicle;
- XXXVI. for requiring and regulating the carrying of a lighted lamp inside licensed passenger vehicles whilst plying for hire after sunset;
- XXXVII. for preventing licensed drivers or others loitering with licensed vehicles in streets, or plying for hire in streets except on a stand;
- XXXVIII. for preventing any person, not being of the full age of 17 years, acting as driver;
- XXXIX. for preventing licensed drivers from being or standing away from the vehicle in their charge whilst on the stand, or for regulating the distance at and the time during which such drivers may be allowed to be away from their vehicles whilst on the stand;
- XL. for limiting the number of vehicles to be licensed by the council;
- XLI. for enforcing the painting, inside and outside, of all licensed passenger vehicles, the number of passengers the vehicle is licensed to carry outside and inside, also the rate of fares for time or distance;
- XLII. for the licensing and regulation of porters and their charges, and for appointing any badge or number to be borne by them;
- \* \* \* \* \*
- XLVI. for regulating the licensing, supervision and control of premises as bazaars or general sale yards for the sale of horses, cattle or other animals, and the maintenance of cleanliness in the licensed premises;
- XLVII. for the general regulation of horse bazaars, sheep markets and cattle markets; for the maintenance of good order in such bazaars or markets; for the licensing of such bazaars or markets; and for fixing fees to be paid to the council in respect of sales at such bazaars and markets;

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XLVIII. for the licensing, regulation, supervision and control of premises for the sale of raw or green hides or skins situated within the municipality or a township within the district;

XLIX. for licensing premises for keeping, storing or selling, and for preventing the keeping, storing or selling, of hides and skins of any description within the municipality or any township within the district;

\* \* \* \* \*

LIV. for regulating the form and conditions of any licence or permit granted by the council, the form of application for it, and its transfer, renewal, suspension or revocation, the fees to be paid on any licence or permit, or its transfer or renewal, and how any such fees may be recovered;

**Nuisances and Health**

4. I. for the prevention and suppression of nuisances;

\* \* \* \* \*

XXII. for the management of cemeteries, crematoria and mortuaries under the care, control or management of, or vested in the council, and for fixing fees for interments and rents for burial rights in any such cemetery or for the use of any such crematorium or mortuary;

\* \* \* \* \*

**Animals**

5. \* \* \* \* \*

IV. for preventing unyoked cattle or unbroken horses being driven through any streets, roads or public places within certain hours;

V. for prohibiting the driving of cattle, sheep or unbroken horses in or along any streets, roads or public places;

VI. to restrict the breaking-in of horses in the streets or roads within the municipality or within any township within the district, either by leading, riding or driving;

VII. for the punishment of any driver or rider of horses or other animals who, in any street, road or public place within the municipality or any township within the district, leaves them unattended, or insecurely fastened to bridle-posts, so that the horses or animals may break away and bolt, to the danger or injury of any person;

\* \* \* \* \*

**Fires and Fire Prevention**

6. I. for the prevention, suppression, and speedy extinguishment of fires;

II. subject to the *South Australian Metropolitan Fire Service Act, 1936*, for the regulation of the use of fire-plugs, alarm-bells and fire engines;

III. for securing a prompt supply of water;

- IV. for preventing smoking in any warehouse, store, stable or out-buildings, or places likely to catch fire, or in which flammable goods are kept;
- V. for regulating, controlling or prohibiting the lighting of fires in the open air;
- VI. for prohibiting the throwing down in any building or premises, where fire might result, any lucifer or tow match, whether lighted or not, or any lighted cigar, cigarette, or ashes from any pipe;
- VII. for preventing the stacking, and for regulating the storage and keeping, of hay, straw, bark, thatch, reeds, coal or firewood; and for licensing fit buildings for the storage of such materials;
- VIII. for the proper construction of buildings and premises in which hay, straw or thatch is sold or stored;
- IX. for regulating the kind and quantity of flammable or combustible materials or substances to be kept at any one time in one place;
- X. for prohibiting the use of ashpits of improper construction and the throwing out of embers liable to rekindle in the open air;
- XI. for preventing the placing, stacking or storing of empty cases, paper shavings, crates packed with straw, or any dangerous or flammable substances in the open air;
- XII. for prohibiting the erection within the municipality or any township within the district (except by the council on the public land of the municipality or district, or by or for the Government on any Government reserve) of any tent, pavilion or other structure of calico, canvas or other flammable material without the consent of the council (which may be given for such time and on such terms as the council decides), and for requiring owners of any land to remove any such tent, pavilion or other structure erected or remaining erected without, or contrary to, such a consent;
- XIII. for requiring owners and occupiers of property within the municipality or any township within the district to destroy inflammable grass, weeds, and other growth on their property, and for requiring any such owners and occupiers to destroy grass, weeds and other growth on their property which, whilst presently inflammable, will, if not destroyed, become inflammable in the ordinary course of the season; for requiring effective firebreaks to be made on such property; and for empowering the council to carry out any requirements of any such by-law on default by the owner or occupier and to recover the expenses of doing so from the owner or occupier;

**Streets, Roads and Footways**

7.

\* \* \* \* \*

- II. for regulating the standing of horses and other animals in streets, roads and public places; and for prescribing where and under what conditions horses and other animals may be allowed to stand in streets, roads and public places;

\* \* \* \* \*

Local Government Act, 1934

V. for fixing the route to be taken by persons riding, driving or conducting any animal or vehicle, or animals or vehicles of particular kinds, or vehicles laden with particular classes, kinds or descriptions of materials, or laden in any particular manner, or vehicles of which the weight together with the weight of the load (if any) exceeds a particular weight, in or along any street, road or public place;

VI. for prohibiting persons from riding, driving or conducting any animal or vehicle, or animals or vehicles of particular kinds, or vehicles laden or exceeding the weight as mentioned in subparagraph V (whether or not any route has been fixed pursuant to that subparagraph), in or along any street, road or public place, or in or along any street, road or public place except on such route as is fixed under subparagraph V;

\* \* \* \* \*

VIII. for regulating, controlling or prohibiting the loading and unloading of goods, materials, substances or things of any kind on or across any footway, or path, or in any street, road or public place;

IX. for authorizing the erection and maintenance in any street or road of such barriers, posts, rails, notice boards and other structures as the council may think proper for the purpose of securing and enforcing the observance of any by-law made under subparagraphs I to VI (both inclusive), and for preventing the destruction or removal of, or interference with, any such barrier, post, rail, notice board or other structure;

\* \* \* \* \*

XI. for licensing, prohibiting and regulating persons acting as parking attendants to vehicles left standing on streets or roads; for setting aside any part of any streets or roads in which such persons may act as parking attendants; for regulating any appliances which may be used by such persons to safeguard vehicles, and for prohibiting the use of any specified appliances; and for fixing fees and charges which may be made by any such persons;

\* \* \* \* \*

XXVI. subject to the *Passenger Transport Act 1994* for prohibiting buses from remaining stationary in any street or road for the purpose of picking up or setting down passengers;

\* \* \* \* \*

XLIII. for regulating, controlling or prohibiting horse and vehicular traffic on any property, street, road, public place or foreshore under the control of the council;

\* \* \* \* \*

**Council Property**

8.

\* \* \* \* \*

XII. for preventing or regulating, and for fixing the route to be taken in the case of, the riding, driving, or conducting of animals, or vehicles, or animals or vehicles of particular kinds, on any park land, public squares, plantations, ornamental grounds or reserves under the care, control or management of the council;

\* \* \* \* \*

The following power (subparagraph XXXII) is exercisable subject to the *Harbors Act, 1936*:

\* \* \* \* \*

XXXII. for regulating the speed of motor vehicles along any portion of the foreshore under the care, control and management of the council;

\* \* \* \* \*

XLVI. for the general regulation of markets and the maintenance of good order in them;

\* \* \* \* \*

**Miscellaneous**

9.

\* \* \* \* \*

XVI. generally for the good rule and government of the area, and for the convenience, comfort and safety of its inhabitants;

XVII. for any other purpose in respect of which the council is authorized by this or any other Act to make a by-law;

XVIII. for fixing penalties not exceeding \$750 for any offence against or breach of any such by-laws, and in the case of a continuing offence for fixing further penalties not exceeding \$50 for every day on which the offence or breach continues.

(2) A by-law made under subsection (1) 3 XX to XLI applies only to the extent that it makes provision for matters—

(a) that are not dealt with by or under the *Passenger Transport Act 1994* or an instrument under that Act; or

(b) that are the subject of an exemption under that Act.

**Local Government Act 1999 applies**

668. The *Local Government Act 1999* applies to and in relation to by-laws made under this Act as if they were by-laws made under that Act.

\* \* \* \* \*

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DIVISION II—MODEL BY-LAWS

\* \* \* \* \*

DIVISION III—REGULATIONS

Regulations

691. (1) The Governor may make regulations prescribing all matters and things which by this Act are contemplated, required, or permitted to be prescribed by regulation, or which may be necessary or convenient for giving effect to the provisions or objects of this Act, and in particular (without derogating from the general power), the Governor may make regulations—

\* \* \* \* \*

(ag) prescribing the fee or charge that a council may charge in respect of a particular matter;

\* \* \* \* \*

(c) prescribing forms in substitution for the forms set out in the schedules to this Act.

\* \* \* \* \*

(1a) Regulations made under this Act may be of general or limited application.

(2) Regulations made under this Act may incorporate, adopt, apply or make prescriptions by reference to, with or without modification, any code or standard prepared or published by a prescribed body as in force at the time the regulations are made or as in force from time to time.

(3) Where a code or standard is incorporated, adopted, applied or referred to under subsection (2)—

(a) a copy of the code or standard must be kept available for inspection by members of the public, without charge and during normal office hours, in such place or places as the regulations may prescribe;

(b) in any legal proceedings, evidence of the code or standard may be given by production of a document purporting to be certified by or on behalf of the Attorney-General as a true copy of the code or standard;

and

(c) the code or standard has effect as if it were a regulation made under this Act.

**Local Government Act, 1934**

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**PART XL  
LEGAL PROCEDURE**

**Recovery of amounts due to council**

**692.** (1) If any provision of this Act provides that any fees, charges, expenses or other amounts may be recovered by the council from any person, or are payable to the council by any person, the fees, charges, expenses or other amounts may be recovered by action in a court of competent jurisdiction.

(2) If any such fees, charges, expenses or other amounts are payable by reason of anything done in respect of any ratable or other property, or are payable by any person by reason of being the owner or occupier of any ratable or other property within the area, the fees, charges, expenses or other amounts may, after the expiration of 14 days after demand for payment is given by notice in writing by the council to the person from whom recovery is sought, be recoverable in any manner (other than by exercising a power of sale) in which rates are recoverable as if the fees, charges, expenses or other amounts had been a rate declared on the property at the time of the making of the demand and of which notice had been given.

Unless otherwise provided, no such fees, charges, expenses or other amounts are a charge on the property.

Any notice in writing given by the council requiring payment of any such fees, charges, expenses or other amounts are a sufficient demand for the purpose of this subsection.

(2a) Subsection (2) does not apply with respect to—

- (a) rates, charges, interest or fines recoverable under Part X;
- (b) fees, charges, expenses or other amounts payable to a council under Division II of Part XXIV.

(3) If the payment of any such fees, charges, expenses or other amounts are declared by any provision of this Act to be a charge on any ratable or other property, the charge continues notwithstanding any change in the ownership of the property or any part of it, and the property may be sold by the council in the manner provided by Part X for the recovery of the fees, charges, expenses or other amounts, or any part of it remaining unpaid for the time provided by that Part after becoming payable to or recoverable by the council. All the provisions of that Part apply to any such sale, and for that purpose the Part will be construed as if the word "rate" included a reference to the fees, charges, expenses or other amounts.

(4) If a fee, charge, expense or other amount that is a charge on land is not paid within 30 days of a demand by the council for payment, the amount payable will bear interest at the prime bank rate for that financial year plus 3 per cent.

**Service of notices, etc.**

**693.** Whenever by this Act or by any Act the administration of which is vested either wholly or in part in any council, or by any regulation made under any such Act, any notice, order, or demand may be served on or given to, or is required to be served on or given to, any owner or occupier of land within the area, or on any other person, the notice, order, or demand may be served—

- (a) by sending it by post in a prepaid letter, addressed to the owner or occupier or person at his or her usual or last known place of residence or business or, if the owner, occupier or person is a company or body corporate, by sending it by post in a prepaid letter addressed to the company or body corporate at its place of business;



- (ab) by leaving it in the letterbox to which it would have been delivered if sent by post;
  - (b) by serving it on the owner or occupier or person or, if the owner, occupier or person is a company or body corporate, by serving it on the manager or secretary;
  - (c) by leaving it for the owner, occupier or person at his or her place of residence with someone apparently over the age of 16 years;
- or
- (d) in the case of land which is unoccupied and of which the owner is unknown to the council, by putting it up on some conspicuous part of the land, in which case it is not necessary in the notice or demand to name the owner of the land.

**Service of notice on owners and occupiers**

**694.** (1) If any provision of this Act provides for the giving of any notice to, or the service of any notice on, the owner or occupier of any property, the notice may be given to or served on any owner or occupier of the property if there are more than one such owner or occupier within the meaning of this Act, but in any such case no proceedings in respect of which the service of the notice is a necessary ingredient may, except in the circumstances provided for by subsection (2) or in the absence of other provisions in this Act to the contrary, be taken against any owner or occupier to or on whom notice is not given or served.

(2) If the owner or occupier served is a joint tenant or tenant in common, the service will be taken to be service on all joint tenants or tenants in common and the proceedings may be taken against all or any of the joint tenants or tenants in common, and the liability of the joint tenants or tenants in common will be joint and severable.

(3) This section does not apply to proceedings under Part X.

**Service on council**

**695.** Every summons, notice, writ or other proceeding required to be served on a council under this Act or, subject to any provisions of any other Act, under that other Act, is served by being given personally to the mayor or chairman or chief executive officer. Every notice or other proceeding (not being a summons or writ) required to be served on a council under this Act or, subject to any provisions of any other Act, under that other Act, may also be served by post. Service of any such summons, notice, writ or other proceeding may be accepted by a solicitor acting for a council.

**Authentication of certain documents by the council**

**696.** Every order, summons, notice or other document requiring to be authenticated by a council is, except when otherwise provided, sufficiently authenticated if signed by the mayor or chairman, or by the chief executive officer without the common seal of the council.

\* \* \* \* \*

**Representation of council before courts**

**698.** In all proceedings before a court of summary jurisdiction or a local court, the chief executive officer, or the treasurer or other officer of a council appointed by the council for the purpose, may represent the council in all respects as though the chief executive officer, treasurer or officer were the party concerned.

**Local Government Act, 1934**

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**Reimbursement of officer**

**699.** The chief executive officer, or treasurer or other officer must be reimbursed out of the general revenue of the council all damages, costs, charges and expenses to which he or she is put or with which he or she becomes chargeable by reason of anything contained in or done by virtue of section 698.

\* \* \* \* \*

**Payment of fees, etc., to council**

**717.** (1) All fines, penalties and forfeitures recovered in proceedings commenced by the council, an officer of the council, or a controlling authority established by the council, before any court of summary jurisdiction for an offence committed within an area against this Act or a prescribed Act, or against any by-law or regulation made under this Act or a prescribed Act, must, except where otherwise provided, be paid to the council of the area, except such portion of any such fine, penalty or forfeiture as by law is or may be appropriated to any informer other than the council or an officer of the council, or for the reward of or compensation to any constable or other person.

(2) In subsection (1)—

**"prescribed Act"** means—

(a) the *Food Act, 1985*;

(b) the *Public and Environmental Health Act, 1987*;

and

(c) any other Act prescribed by regulation for the purposes of this section.

\* \* \* \* \*

**Proceedings by council**

**720.** In any information or complaint preferred by any council against any person who steals, or wilfully injures, and in any proceedings instituted in relation to, any property or thing belonging to or under the care, control or management of a council, it is sufficient to state generally that the property or thing in respect of which any such information or complaint is preferred, or any such proceedings are instituted, is the property of the council.

\* \* \* \* \*

**Local Government Act, 1934**

**PART XLI  
EVIDENCE**

\* \* \* \* \*

**Evidence of resolution, etc.**

**725.** (1) The *Gazette* containing a notice that any resolution was passed or order made at a meeting of the council, or that any proposition was adopted or affirmed at a meeting or poll of electors, is conclusive evidence—

(a) of the resolution being passed or order made, or proposition adopted or affirmed;

(b) of the meeting being lawfully convened and the poll lawfully taken;

and

(c) of any fact stated in the notice relating to the majority by which the resolution was passed or proposition adopted or affirmed, and the number and proportion of councillors or electors present.

(2) This section applies to any such resolution or proposition under this Act.

\* \* \* \* \*

**Certified map of roads to be evidence**

**735.** Any map purporting to be issued and signed by the Surveyor-General, on which there is a certificate, purporting to be signed by the mayor or chairman and the chief executive officer, that all the streets and roads within the area, or within such part or parts of it as is or are specified in the certificate, are correctly delineated in the map, is admissible as evidence in any proceedings before any court or person, and until the contrary is proved is conclusive evidence that all streets and roads in the area, or the part or parts of it (as the case may be), are delineated, and correctly delineated, on the map.

\* \* \* \* \*

**Evidence of register of public streets**

**738.** Copies of or extracts from any register of public streets certified by the chief executive officer to be true copies of, or true extracts from, the register are sufficient evidence of the contents of the register, or of so much of it as any such extracts contain.

**Evidence of by-laws**

**739.** (1) Any document bearing a certificate, purporting to be signed by the mayor or chairman or the chief executive officer, that the document is a copy of any by-law in force within the area made or adopted under this Act, is admissible, without any other proof, as sufficient evidence of the existence of the by-law, and of its passing, confirming, and publishing, and of the performance of the requirements of this Act in respect of it.

\* \* \* \* \*

**Facilitation of proof**

**743.** In any proceedings for an offence against this Act or any repealed Act the allegation in the complaint—

(a) that any place is a street or road, park lands, ornamental grounds, plantation, reserve, foreshore or square;

- (b) that any street or road, park lands, ornamental grounds, plantation, reserve, public place or square on which it alleged that the offence was committed is situated within any specified area or township;
- (c) that any street or road is a public street or road or a private street or road or that any place is a public place;
- (d) that a licence or permit has been issued in respect of any person, premises or thing, or has not been issued with respect to any matter authorized by this Act;
- (e) that any place is within a township within a district;
- (f) that a specified person was the owner, or one of the owners, of a specified vehicle on a specified day,

will be taken to have been proved in the absence of proof to the contrary.

**Evidentiary presumption**

**743a.** If in any proceedings for an offence against this Act it is proved that an animal was ridden, led or standing in contravention of this Act, it will be presumed, in the absence of evidence to the contrary, that the animal was so ridden, led or allowed to stand by its owner.

**Evidence of constitution of council, appointment of officers, etc.**

**744.** It is not necessary in any legal proceedings to prove the existence or constitution of a council, the appointment of any officer of a council, or the appointment of an authorized person.

**Evidence of boundaries**

**745.** A certificate under the hand of the chief executive officer, or the oath of any such officer or authorized person, is sufficient evidence in any proceedings of the boundaries of any area until the contrary is proved.

\* \* \* \* \*

**Proof of service of notices**

**747.** Whenever it is necessary in any proceedings to prove the service of any notice, an affidavit of the service of the notice showing the manner of service is sufficient proof of service.

**Saving of rules of evidence**

**748.** Nothing contained in this Act—

- (a) prevents proof being given of the tenure of any office by evidence of acting in that office;

or

- (b) prevents any notice purporting to be a notice given by a council, and published or posted as directed by this Act, or a copy of it, being given in evidence in any proceedings against the council, or any officer of the council.

\* \* \* \* \*

Local Government Act, 1934

PART XLII  
PENALTIES

\* \* \* \* \*

**Duty of owner to give information to identify driver**

**789a.** (1) An owner of a vehicle must, if required by a member of the police force, an authorized person or an officer of the council, truly answer any question which may lead to the identification of the person who was driving that vehicle on any occasion when an offence under this Act or any by-law is alleged to have been, or is suspected of having been, committed.

(2) An owner who refuses to answer, or fails to answer truly, any such question is guilty of an offence.

Penalty: \$200.

\* \* \* \* \*

**Owner of vehicle guilty of offence**

**789b.** Without derogating from the liability of any other person, but subject to this Act, where it is an offence against this Act for a person to drive, draw, propel, park or stand a vehicle in particular circumstances, the owner of the vehicle is guilty of an offence and liable to the same penalty as is prescribed for the principal offence and the expiation fee that is fixed for the principal offence applies in relation to an offence against this section.

**Owner and driver not both liable to conviction**

**789c.** The owner and driver of a vehicle are not both liable to be convicted of an offence arising out of the same circumstances and consequently conviction of the owner exonerates the driver and conversely conviction of the driver exonerates the owner.

**Owner of vehicle may name driver**

**789d.** (1) An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged offence against this Act arising out of the use of the vehicle must be accompanied by a notice inviting the owner, if he or she was not the driver at the time of the alleged offence, to provide the council, within the period specified in the notice, with a statutory declaration—

- (a) setting out the name and address of the driver; or
- (b) if he or she had transferred ownership of the vehicle to another prior to the time of the alleged offence and has complied with the *Motor Vehicles Act 1959* in respect of the transfer—setting out details of the transfer (including the name and address of the transferee).

(2) Before proceedings are commenced against the owner of a vehicle for an offence against this Act arising out of the use of the vehicle, the complainant must send the owner a notice—

- (a) setting out particulars of the alleged offence; and
- (b) inviting the owner, if he or she was not the driver at the time of the offence, to provide the complainant, within 21 days of the date of the notice, with a statutory declaration setting out the matters referred to in subsection (1).

(3) Subsection (2) does not apply to—

- (a) proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or
- (b) proceedings commenced against an owner of a vehicle who has been named in a statutory declaration under this section as the driver of the vehicle.

(4) Subject to subsection (5), in proceedings against the owner of a vehicle for an offence against this Act, it is a defence to prove—

- (a) that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged offence; or
- (b) that the owner provided the complainant with a statutory declaration in accordance with an invitation under this section.

(5) The defence in subsection (4)(b) does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.

(6) If—

- (a) an expiation notice is given to a person named as the alleged driver in a statutory declaration under this section; or
- (b) proceedings are commenced against a person named as the alleged driver in such a statutory declaration,

the notice or summons, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver.

(7) In proceedings against a person named in a statutory declaration under this section for the offence to which the declaration relates, it will be presumed, in the absence of proof to the contrary, that the person was the driver of the vehicle at the time at which the alleged offence was committed.

(8) In proceedings against the owner or driver of a vehicle for an offence against this Act, an allegation in the complaint that a notice was given under this section on a specified day will be accepted as proof, in the absence of proof to the contrary, of the facts alleged.

#### **Non-performance of provisions of this Act**

**790.** Where any matter or thing is by or under this Act or under any regulation or by-law made or continued under this Act or by any order or notice made under the authority of this Act or any such regulation or by-law, directed or forbidden to be done, or where any authority is given by this Act or any such regulation or by-law to any person to direct any matter or thing to be done, or to forbid any matter or thing to be done, and the act so directed to be done remains undone, or the act so forbidden to be done is done, a person offending against the direction or prohibition is guilty of an offence.

#### **Penalty for offence against this Act**

**791.** A person guilty of an offence against this Act, or any regulation or by-law made or continued under this Act, punishable on summary conviction is, for every such offence, liable to a penalty specifically imposed by this Act or by a by-law for that purpose, and, if no penalty is so imposed, to a penalty not exceeding \$750.

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**Power of Governor to remit fines**

**792.** The Governor may remit the whole or any part of any fine or penalty, although it may be appropriated to a council.

**Conviction not to bar action**

**793.** (1) The imposition of a penalty or punishment for any offence under this Act, does not affect any action or other remedy, at the instance of the council or any person, for compensation for, or the prevention of, injury that may result from the offence.

(2) The imposition by this Act of any penalty or punishment for any offence does not prevent any person from being liable to be indicted, prosecuted or proceeded against for any offence under this or any other Act or otherwise, so long as the person is not punished twice for the same offence.

**Liability of person causing commission of offences**

**794.** Every penalty imposed by or under this Act in the case of a person committing an offence extends and applies also to any person—

- (a) who causes the commission of the offence;
  - (b) by whose order or direction the offence is committed;
- or
- (c) who aids, abets, counsels or procures, or by act or omission is directly or indirectly concerned in, the commission of the offence.

**Expiation fees may be fixed**

**794a.** (1) Expiation fees may be fixed by regulation for alleged offences against the regulations.

- (2) Expiation fees may be fixed for alleged offences against by-laws by—
- (a) by-laws; or
  - (b) the council,

but an expiation fee fixed by the council cannot exceed 25% of the maximum fine for the offence to which it relates.

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**Local Government Act, 1934**

**PART XLVI  
MISCELLANEOUS MATTERS**

\* \* \* \* \*

**Cost of advertisements**

**873.** (1) The cost of any advertisement required by this Act must be paid by the council, controlling authority or person whose action immediately necessitates the advertisement.

(2) The Minister may require payment of the cost before causing the advertisement to be inserted.

**Microfilm records**

**873a.** (1) Where a council makes a copy of any record that it is required to make or keep under this Act on microfilm, the microfilm is admissible in any legal proceedings in place of the record.

(2) Where a provision of this Act requires the production of a record, it is sufficient compliance with that requirement to produce a microfilm copy of that record.

**Certified copies of by-laws**

**874.** (1) A person is entitled, on payment of a fee set by the council, to a certified copy of any by-law of the council in force in its area (or a part of its area) at that particular time.

(1a) The certificate referred to in subsection (1) is to be given by the mayor or chairman, or chief executive officer, of the council.

(2) If any such by-law is a by-law to which section 670(3) applies and the council has in pursuance of the powers conferred by that section passed a resolution providing for the application of the by-law to any portion or portions of the area, a copy of all resolutions of the council made and published as provided by section 670(3) which have reference to the by-law must be supplied with the printed copy of the by-law. No additional fee may be charged for the copy of the resolutions.

\* \* \* \* \*

**Powers of entry by officers of council**

**876.** (1) A council has, for the purposes of this Act, except where otherwise provided, power by its members or officers to enter at all reasonable hours in the daytime into and on any building or land within the area for the purpose of carrying out any work or making any inspection that the council is authorized to carry out or make under this Act, without being liable to any legal proceedings on that account.

(2) Except as otherwise provided in this Act, the council must not make any such entry on occupied premises (except with the consent of the occupier) until after the expiration of 24 hours notice for that purpose given to the occupier.

\* \* \* \* \*

**Crown land under management of council for certain purposes**

**880.** For the purpose of any Act inflicting fines and penalties for offences committed on Crown land, where by that Act and this Act the fines and penalties form part of the revenue of the council, all Crown land within the area will be taken to be under the management of the council.

\* \* \* \* \*



**Special provisions relating to the District Council of Coober Pedy**

**883.** (1) In this section—

"**the council**" means the District Council of Coober Pedy.

(2) Notwithstanding any other provision of this Act, land within the area of the council that is subject to a mining lease or comprised in a registered precious stones claim is not ratable property for the purposes of this Act.

(3) Notwithstanding any other Act, the following provisions apply in respect of the council and its area:

(a) the council is not responsible for the performance of any function under the *Food Act, 1985*, or the *Health Act, 1935*;

(b) the South Australian Health Commission may perform in relation to the area of the council any function that the council would, but for paragraph (a), be responsible to perform under the *Food Act, 1985*, or the *Health Act, 1935*.

\* \* \* \* \*

**The Glenelg amusement park and vesting of land**

**886ba.** (1) In this section—

"**the Council**" means the City of Holdfast Bay;

"**the development site**" means the whole of the land comprised in Certificate of Title Register Book Volume 5397 Folio 508, other than the land within the Park;

"**the Minister**" means the Minister for Government Enterprises;

"**the Park**" means the land designated as Allotment 3 in the plan deposited in the Lands Titles Registration Office No. DP 49075.

(2) The development site is vested in the Minister for an estate in fee simple.

(3) However, subsection (2) does not operate to extinguish the rights of a lessee or licensee under a lease or licence granted by the Council in relation to any part of the development site before 3 December 1997.

(4) The Registrar-General must, on application by the Minister, register the Minister as the proprietor of an estate in fee simple in the land vested in the Minister under subsection (2).

(4a) The Governor may, by proclamation, fix the seaward boundary of the development site (or any part of the development site) for the purposes of future dealings with the land (and the Registrar-General must then ensure that any relevant Certificate of Title is amended or issued accordingly).

(5) The Council—

(a) must continue to maintain the Park as a public park;

and

**Local Government Act, 1934**

(b) may—

- (i) provide in the Park facilities or amenities for public refreshment, recreation or amusement;
- (ii) grant, on such terms and conditions as the Council thinks fit, leases or licences in respect of land comprised in the Park with a view to provision by the lessees or licensees of facilities or amenities for public refreshment, recreation or amusement;
- (iii) otherwise deal with land comprised in the Park, as the Minister may approve.

(6) Section 32 of the *Development Act 1993* does not apply to the grant of a lease or licence by the Council under this section.

**Coast protection at West Beach**

**886bb.** (1) In this section—

"**boating facility**" means a harbor, marina, boat mooring or boat launching facility;

"**coast**" has the same meaning as in the *Coast Protection Act 1972*;

"**the Minister**" means the Minister to whom the administration of the *Coast Protection Act 1972* is committed;

"**West Beach area**" means an area 500 metres wide running along the coast of Metropolitan Adelaide in Gulf St. Vincent between the northern side of the entrance of the Patawalonga Boat Haven to the sea and the point where a westerly projection of West Beach Road meets the sea, and bounded on the east by the high water mark.

(2) The Minister must take reasonable steps to ensure the effective management of sand in association with the construction of any boating facility within, or adjacent to, the West Beach area—

- (a) in order to maintain the navigability of any entrance or access channel associated with any such boating facility; and
- (b) in order to protect or, if necessary, restore the coast on account of the obstruction of coastal processes due to the construction of any such boating facility; and
- (c) in order to ensure that the enjoyment of the coast by the public generally is not materially diminished due to the construction of any such boating facility.

(3) The Crown is liable for costs associated with any works or operations undertaken for the purposes of any sand management required under subsection (2).

\* \* \* \* \*

**Application to Crown**

**888.** Except where expressly provided by this Act, this Act does not apply to or bind the Crown.

**Delegation by Ministers**

**889.** (1) The Minister may delegate any power or function of the Minister under this Act (other than a power or function under Division XIII of Part II).

(2) A delegation by the Minister—

(a) may be conditional or unconditional;

(b) is revocable at will;

and

(c) does not derogate from the power of the Minister to act in any matter personally.

(3) A delegation under this section may be made to a specified person or may be made to the holder for the time being of a specified office.

(4) A register of delegations must be kept and made available for public inspection.

**Incorporation of Standards, etc.**

**890.** A regulation under this Act may apply, adopt or incorporate, with or without modification, any code, standard or other document prepared or approved by a body or authority referred to in the regulation as in force from time to time or as in force at a specified time.

\* \* \* \* \*

## Local Government Act, 1934

## APPENDIX

## LEGISLATIVE HISTORY

## Repeals

The *Local Government Act, 1934*, repealed the following Acts:

Reference to Act	Title or Short Title
No. 5 of 1840	An Act to regulate the Slaughtering and prevent the Stealing of Cattle.
No. 2 of 1844	An Ordinance to Authorize the Levying of Fees on the Slaughtering of Cattle in South Australia.
No. 8 of 1847	Ordinance for the Establishment and Regulation of Markets.
No. 19 of 1862	An Act for the Regulation of Cemeteries.
No. 13 of 1869-70	<i>River Torrens Improvement Act, 1869-70.</i>
No. 8 of 1872	An Act to amend the <i>River Torrens Improvement Act, 1869-70.</i>
No. 138 of 1879	<i>The Local Improvements Act, 1879.</i>
No. 212 of 1881	<i>The Manufacturing Districts Act.</i>
No. 234 of 1881	<i>The Ornamental Grounds Act, 1881.</i>
No. 249 of 1882	<i>The Manufacturing Districts Amendment Act.</i>
Private Act, 1883	<i>Victoria-square Thoroughfare Act, 1883.</i>
No. 365 of 1885	<i>Grants-in-Aid Regulation Act, 1885.</i>
No. 425 of 1888	<i>By-laws Enabling Act, 1888.</i>
No. 436 of 1888	<i>The Ferries Act, 1888.</i>
No. 467 of 1889	<i>The Sparrow Destruction Act, 1889.</i>
No. 481 of 1890	<i>The District Councils and Corporations Subsidy Act, 1890.</i>
No. 531 of 1891	<i>The Gas and Electric Lighting Act, 1891.</i>
Private Act, 1892	<i>The Adelaide Racecourse Act.</i>
No. 676 of 1897	<i>The Cemeteries Act Amendment Act, 1897.</i>
Private Act, 1897	<i>The Adelaide Oval Act, 1897.</i>
No. 700 of 1898	<i>The Free Libraries Act, 1898.</i>
No. 708 of 1898	<i>The Noisy Trades Act, 1898.</i>
No. 762 of 1901	<i>The Municipal Corporations and District Councils Validating Act, 1901.</i>
No. 879 of 1905	<i>The District Councils Assessment Validating Act, 1905.</i>
No. 1033 of 1910	<i>The Local Government Act, 1910.</i>
No. 1040 of 1911	<i>The City of Adelaide Municipal Loan Act, 1911.</i>
No. 1378 of 1919	<i>Commonwealth Advances for the Employment of Returned Soldiers Act, 1919.</i>
No. 1445 of 1920	<i>City of Adelaide Municipal Loan Act Amendment Act, 1920.</i>
No. 1457 of 1921	<i>Sparrow Destruction Act Amendment Act, 1921.</i>
No. 1558 of 1923	<i>Municipal Corporations Act, 1923.</i>
No. 1571 of 1923	<i>Gladstone Institute Act, 1923.</i>
No. 1589 of 1923	<i>Glenelg Foreshore Act, 1923.</i>
No. 1602 of 1923	<i>Gawler Park Lands Act, 1923.</i>
No. 1637 of 1924	<i>Municipal Corporations Act Amendment Act, 1924.</i>
No. 1694 of 1925	<i>Municipal Corporations Act Amendment Act, 1925.</i>
No. 1735 of 1926	<i>Port Augusta Bridge Act, 1926.</i>
No. 1778 of 1926	<i>Municipal Corporations Act Amendment Act, 1926.</i>
No. 1818 of 1927	<i>Harbors Act Amendment Act, 1927.</i>
No. 1872 of 1928	<i>Local Government Act Amendment Act, 1928.</i>
No. 1911 of 1929	<i>Municipal Corporations Act Amendment Act, 1929.</i>
No. 1924 of 1929	<i>District Councils Act, 1929.</i>
No. 1931 of 1929	<i>Local Government Loans Act, 1929.</i>
No. 1959 of 1930	<i>Municipal Corporations Act Amendment Act, 1930.</i>
No. 1964 of 1930	<i>Mayor's Bounty Fund (Kapunda) Act, 1930.</i>
No. 1968 of 1930	<i>District Council of Tatiara Loan Act, 1930.</i>
No. 1972 of 1930	<i>Municipal Corporations Act Amendment Act (No. 2), 1930.</i>
No. 1978 of 1930	<i>District Councils Act Amendment Act, 1930.</i>
No. 1987 of 1930	<i>Local Government Grants Act, 1930.</i>
No. 2032 of 1931	<i>Local Government Grants Act, 1931.</i>
No. 2040 of 1931	<i>District Councils Act Amendment Act, 1931.</i>
No. 2045 of 1931	<i>Municipal Corporations Act Amendment Act, 1931.</i>
No. 2098 of 1932	<i>Municipal Corporations Act, 1932.</i>
No. 2099 of 1932	<i>Gas and Electric Lighting Act, 1932.</i>
No. 2105 of 1932	<i>District Councils Act Amendment Act, 1932.</i>

The *Local Government Act Amendment Act (No. 2), 1975*, repealed the following Acts:

*Garden Suburb Act, 1919-1973*

*Garden Suburb Act, 1919*

*Garden Suburb Act Amendment Act, 1921*

*Garden Suburb Act, 1925*

So much of the second schedule to the *Statute Law Revision Act, 1936*, as relates to the *Garden Suburb Act, 1919-1925*

*Garden Suburb Act Amendment Act, 1960*

So much of the second schedule to the *Statute Law Revision Act, 1973*, as relates to the *Garden Suburb Act, 1919-1960*, or the *Garden Suburb Act Amendment Act, 1960*

The *Local Government Act Amendment Act (No. 2), 1977*, expired before being brought into operation

The *Local Government Act Amendment Act, 1982*, repealed the *Levi Park Act, 1948-1976*

The *Local Government Act Amendment Act, 1983*, amended the *Valuation of Land Act, 1971*

The *Local Government Act Amendment Act, 1988*, amended the *Rates and Land Tax Remission Act, 1986*

The *Statutes Amendment (Local Government) Act, 1988*, amended the *Local Government Act Amendment Act, 1988*

#### **Transitional Provisions**

*(Transitional provision from the Local Government Act Amendment Act 1988, s. 53)*

53. (1) The amendments made to the principal Act by this Act do not affect—

- (a) a memorial received by a council before the commencement of this Act or the declaration, operation or recovery of any rate in pursuance of such a memorial;
- (b) any inquiry instituted before the commencement of this Act into the disposal of land held by the council in trust for a charitable purpose and the steps that can be taken as a result of the inquiry;
- (c) any approval obtained by a council from the South Australian Planning Commission to undertake a scheme for the development of land or from the Minister to acquire land for the purposes of the scheme;
- (d) the planning and execution of any scheme for carrying out an activity for the benefit of an area where the council has before the commencement of this Act given notice of the scheme in accordance with the principal Act;
- (e) any scheme submitted to the Minister before the commencement of this Act;
- (f) the power of a council to redeem debentures issued before the commencement of this Act,

and the principal Act will continue to apply in relation to those matters as if it had not been amended by this Act.

(2) Where a council had before the commencement of this Act obtained approval to provide any of the following services—

- (a) septic tank effluent disposal;
- (b) any other service approved by the Minister for the purposes of this provision,

the council may, after the commencement of this Act, impose in respect of that service a service rate or service charge on land in accordance with Part X of the principal Act (as amended by this Act), notwithstanding that the approval obtained by the council provided for the imposition of a separate rate.

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(3) A remission or postponement of rates granted by a council before the commencement of this Act will continue as a remission or postponement of rates under the principal Act as amended by this Act.

(4) A controlling body established under section 666c of the principal Act before the commencement of this Act will be regarded as a controlling authority established under section 199 of the principal Act as amended by this Act.

(5) A controlling authority incorporated under Part XIX of the principal Act before the commencement of this Act will be regarded as a controlling authority established under section 200 of the principal Act as amended by this Act.

(6) The Minister may, on application by a council, in respect of the financial year 1988/1989, permit the council to send accounts for the payment of rates to the occupiers of ratable land within its area (and not necessarily to principal ratepayers).

*(Transitional provisions from the Local Government (Reform) Amendment Act 1992, s. 28)*

28. (1) Subject to subsection (2), no proposal may be referred to the Commission after the proclaimed day.

(2) Subsection (1) does not apply to a proposal contained in a report of a council under section 28 of the principal Act (as in force immediately before the enactment of this Act) if the report is given to the Minister within one month after the proclaimed day.

(3) The following provisions apply in relation to proceedings before the Commission on 1 June 1992 that relate to the report of a council under section 28 of the principal Act (as in force immediately before the enactment of this Act):

(a) the proceedings may, according to the determination of the council—

(i) continue before the Commission;

or

(ii) be referred to the Electoral Commissioner,

(but if no determination is made by the council by 1 July 1992, the council will be taken to have determined that the proceedings continue before the Commission);

(b) if the council determines that the proceedings are to continue before the Commission—

(i) the costs of the proceedings from 1 July 1992 will be payable by the council (and any question as to the amount payable will be determined by the Under-Treasurer);

and

(ii) the proceedings may be dealt with by the Commission, and any consequential recommendation may be the subject of a proclamation by the Governor, as if this Act had not been enacted;

(c) if the council determines that the proceedings are to be referred to the Electoral Commissioner—

(i) the proceedings will be referred on 1 July 1992;

(ii) the matter may proceed as if it had been referred to the Electoral Commissioner under section 24 of the principal Act (as enacted by this Act);

and

- (iii) the Electoral Commissioner may give directions (which will have effect according to their terms) as to the procedures to be followed to determine the matter under section 24 (including directions varying a procedure prescribed by section 24).

(4) The following provisions apply in relation to proceedings before the Commission on 1 June 1992 (other than proceedings that are subject to the operation of subsection (3)):

- (a) the parties to the proceedings may agree that the proceedings—
    - (i) continue before the Commission;
    - (ii) be transferred to a panel constituted under section 18 of the principal Act (as enacted by this Act);or
    - (iii) lapse;
  - (b) if the parties agree that the proceedings are to continue before the Commission—
    - (i) the costs of the proceedings from 1 July 1992 will be payable by the council or councils to which those proceedings relate (and any dispute as to the amount payable by a particular council will be determined by the Under-Treasurer);and
    - (ii) the proceedings may be dealt with by the Commission, and any consequential recommendation may be the subject of a proclamation by the Governor, as if this Act had not been enacted;
  - (c) if the parties agree that the proceedings be transferred to a panel constituted under section 18 of the principal Act (as enacted by this Act)—
    - (i) the Local Government Association of South Australia will constitute a panel to deal with the matter as if a proposal had been referred to it under section 18 (as enacted by this Act);
    - (ii) the Local Government Association of South Australia will determine who is to act as representatives of the parties to the proposal;
    - (iii) any documents in the possession of the Commission relevant to the determination of the proposal must be transferred to the panel;and
    - (iv) the panel may give directions (which will have effect according to their terms) as to the procedures to be followed to determine the matter (including directions varying a procedure prescribed by sections 18, 19 or 20);
- and
- (d) if no agreement is reached under paragraph (a) by 1 July 1992, the parties will be taken to have agreed that the proceedings be transferred to a panel under section 18 of the principal Act (as enacted by this Act).

(5) If a report of a council under section 28 of the principal Act (as in force immediately before the enactment of this Act) is given to the Minister more than one month after the proclaimed day—

- (a) the Minister will refer the report to the Electoral Commissioner;

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(b) from 1 July 1992 the matter may proceed as if it had been referred to the Electoral Commissioner under section 24 of the principal Act (as enacted by this Act);

and

(c) the Electoral Commissioner may give directions (which will have effect according to their terms) as to the procedures to be followed to determine the matter (including directions varying a procedure prescribed by section 24).

(6) Any recommendation of the Commission made before 1 July 1992 may be the subject of a proclamation by the Governor as if this Act had not been enacted.

(7) The Local Government Association of South Australia is not required to refer a proposal to a panel under section 18 of the principal Act (as enacted by this Act) if in its opinion a previous proposal of the same or a similar effect has been reported on by the Commission since 1 July 1989.

(8) In this section—

"the Commission" means the Local Government Advisory Commission:

"the proclaimed day" means a day declared by proclamation to be the proclaimed day for the purposes of this section.

*(Transitional provision from Local Government (City of Adelaide Wards) Amendment Act 1992, s. 3)*

3. The wards of the City of Adelaide in existence immediately before the repeal of section 850 of the principal Act will continue in existence after the enactment of this Act until such time as those wards may be altered or abolished pursuant to a proposal or recommendation under Part II of the principal Act (including a proposal or recommendation based on a review of the wards of the City of Adelaide carried out before the enactment of this Act).

*(Transitional provision from Statutes Repeal and Amendment (Development) Act 1993, s. 30)*

30. The amendment effected by section 9(e) of this Act does not apply to a project approved before the commencement of that section by the Minister responsible for the administration of the *Local Government Act 1934* under section 197 of that Act, or to a project for which planning consent under Part V of the *Planning Act 1982* was obtained before the commencement of that section.

*(Transitional provision from Local Government (Boundary Reform) Amendment Act 1995, s. 21)*

21. (1) A proposal for—

(a) the amalgamation of two or more councils; or

(b) the alteration of the boundaries of a council area,

initiated under Subdivision 1 of Division XI of Part II of the principal Act before the commencement of this Act and referred to the Local Government Association of South Australia for the constitution of a panel under that subdivision before 30 November 1995 may proceed under that Part (and be the subject of any appropriate proclamation) as if this Act had not been enacted.

(2) If—

(a) a council is participating in, or affected by—

(i) a proposal for the amalgamation of two or more councils that is proceeding under subsection (1); or

(ii) a proposal under consideration under Division X of Part II of the principal Act (as enacted by this Act); and



- (b) the council would, apart from this subsection, be required to conduct a review under section 24 of the principal Act while the proposal is still under consideration,

the requirement to conduct the review is suspended until the consideration of the proposal is finalised.

(Transitional provision from Statutes Amendment and Repeal (Common Expiation Scheme) Act 1996, s. 5)

5. An Act repealed or amended by this Act will continue to apply (as in force immediately prior to the repeal or amendment coming into operation) to an expiation notice issued under the repealed or amended Act.

### Legislative History

- Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 6 of The Public General Acts of South Australia 1837-1975 at page 191.
- Certain textual alterations were made to this Act by the Commissioner of Statute Revision when preparing the reprint of the Act that incorporated all amendments in force as at 1 March 1989. A schedule of these alterations was laid before Parliament on 14 February 1989.
- Legislative history since 3 February 1976 (**entries in bold type indicate amendments incorporated since the last reprint**) is as follows:

Section 2:	deleted in pursuance of the <i>Acts Republication Act, 1967</i> , as its function is now exhausted
Section 3:	amended by 12, 1976, s. 3; 77, 1976, s. 3; 32, 1978, s. 3; 33, 1978, s. 3; 17, 1980, s. 3; 29, 1981, s. 17(a); 27, 1983, s. 3; 104, 1983, s. 4; 34, 1984, s. 3; 58, 1984, s. 3; 13, 1985, s. 3; 78, 1986, (Sched. 5 s. 2); repealed by 33, 1988, s. 3
Section 4:	substituted by 58, 1984, s. 4; repealed by 33, 1988, s. 55 (Sched.)
<b>Section 5(1):</b>	<b>amended by 33, 1988, s. 55 (Sched.)</b> <b>definition of "accounting records"</b> inserted by 85, 1992, s. 3; <b>repealed by 64, 1999, s. 6(a)</b> <b>definition of "alderman"</b> inserted by 58, 1984, s. 5(a); <b>repealed by 64, 1999, s. 6(a)</b> <b>definition of "annual value"</b> repealed by <b>64, 1999, s. 6(a)</b> definition of "area" substituted by 58, 1984, s. 5(b) definition of "assessment" substituted by 29, 1981, s. 16(a); repealed by 33, 1988, s. 4(a) definition of "assessment book" repealed by 33, 1988, s. 4(a) definition of "assessed value" substituted by 29, 1981, s. 16(b); repealed by 33, 1988, s. 4(a) <b>definition of "authorized person"</b> inserted by 58, 1984, s. 5(c); <b>substituted by 64, 1999, s. 6(b)</b> definition of "Board" inserted by 108, 1995, s. 3; repealed by 52, 1998, s. 3(a) definition of "business day" inserted by 43, 1992, s. 3 <b>definition of "capital value"</b> inserted by 29, 1981, s. 16(b); <b>repealed by 64, 1999, s. 6(a)</b> definition of "chairman" substituted by 58, 1984, s. 5(d) definition of "clerk" repealed and definition of "chief executive officer" inserted in its place by 58, 1984, s. 5(e); amended by 33, 1988, s. 55 (Sched.) definition of "the Commission" inserted by 12, 1976, s. 4(a); substituted by 58, 1984, s. 5(f); repealed by 29, 1992, s. 3(a) definition of "company" inserted by 33, 1988, s. 4(b) <b>definition of "council"</b> substituted by 58, 1984, s. 5(g); <b>substituted by 64, 1999, s. 6(c)</b> <b>definition of "council committee"</b> inserted by 58, 1984, s. 5(g); <b>amended by 64, 1999, s. 6(d)</b>

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**definition of "councillor"** substituted by 58, 1984, s. 5(g); **repealed by 64, 1999, s. 6(a)**

definition of "Crown lands" repealed by 33, 1988, s. 4(c)

definition of "deputy returning officer" inserted by 88, 1980, s. 3(a); repealed by 58, 1984, s. 5(h)

definition of "district" substituted by 58, 1984, s. 5(i)

definition of "district clerk" repealed by 58, 1984, s. 5(i)

definition of "district office" repealed by 58, 1984, s. 5(j)

**definition of "domestic premises"** inserted by 33, 1988, s. 4(d); **repealed by 64, 1999, s. 6(a)**

definition of "driver" inserted by 69, 1990, s. 3(a)

definition of "elector" inserted by 77, 1976, s. 4; amended by 1, 1977, s. 3(a); substituted by 32, 1978, s. 4(a); 58, 1984, s. 5(k)

**definition of "the Electoral Commissioner"** inserted by 77, 1976, s. 4; **repealed by 64, 1999, s. 6(a)**

definition of "electoral officer" inserted by 58, 1984, s. 5(l)

definition of "engineer" inserted by 26, 1991, s. 3(a)

**definition of "equal employment opportunity programme"** inserted by 26, 1991, s. 3(a); **repealed by 64, 1999, s. 6(a)**

**definition of "extraordinary vacancy"** **repealed by 64, 1999, s. 6(a)**

definition of "foreshore" substituted by 32, 1978, s. 4(b); 33, 1988, s. 55 (Sched.)

**definition of "general election"** inserted by 99, 1988, s. 4(a); **repealed by 64, 1999, s. 6(a)**

definition of "Government assessment" amended by 29, 1981, s. 16(c); substituted by 58, 1984, s. 5(m); repealed by 33, 1988, s. 4(e)

definition of "Government assessment of annual value" repealed by 33, 1988, s. 4(e)

definition of "Government assessment of capital value" inserted by 29, 1981, s. 16(d); repealed by 33, 1988, s. 4(e)

definition of "Government assessment of land value" repealed by 33, 1988, s. 4(e)

definition of "land" amended by 38, 1996, s. 12(a)

**definition of "the Land and Valuation Court"** **repealed by 64, 1999, s. 6(a)**

definition of "land value" substituted by 29, 1981, s. 16(e); repealed by 33, 1988, s. 4(e)

definition of "land" inserted by 33, 1988, s. 4(e)

definition of "mayor" substituted by 58, 1984, s. 5(n)

definition of "member" substituted by 58, 1984, s. 5(o)

**definition of "merit"** inserted by 26, 1991, s. 3(b); **repealed by 64, 1999, s. 6(a)**

definition of "metropolitan municipal council" and "metropolitan district council" repealed by 58, 1984, s. 5(p)

definition of "metropolitan council" repealed by 58, 1984, s. 5(p)

definition of "municipality" substituted by 58, 1984, s. 5(q)

**definition of "nominated agent"** inserted by 32, 1978, s. 4(c); substituted by 58, 1984, s. 5(r); **repealed by 64, 1999, s. 6(a)**

**definition of "nomination day" or "day of nomination"** amended by 33, 1988, s. 55 (Sched.); **repealed by 64, 1999, s. 6(a)**

definition of "obstruction" inserted by 104, 1983, s. 5(a)

definition of "occupier" substituted by 33, 1988, s. 55 (Sched.)

definition of "office" substituted by 58, 1984, s. 5(s)

definition of "officer" repealed by 58, 1984, s. 5(t)

definition of "outlying district" repealed by 58, 1984, s. 5(u)

definition of "owner" of land substituted by 33, 1988, s. 4(f)

definition of "owner", in relation to a motor vehicle, inserted by 69, 1990, s. 3(b); amended by 65, 1996, Sched. cl. 1

**definition of "Panel"** inserted by 52, 1998, s. 3(b); **repealed by 64, 1999, s. 6(a)**

	definition of "park lands" repealed and definition of "park land" inserted in its place by 33, 1988, s. 55 (Sched.)
	definition of "pave" repealed by 33, 1988, s. 55 (Sched.)
	<b>definition of "periodical election"</b> inserted by 58, 1984, s. 5(v); <b>repealed by 64, 1999, s. 6(a)</b>
	<b>definition of "petrol pump"</b> moved from s. 332(1) in pursuance of the <i>Acts Republication Act, 1967</i> ; <b>repealed by 64, 1999, s. 6(a)</b>
	<b>definition of "presiding officer"</b> inserted by 88, 1980, s. 3(b); substituted by 58, 1984, s. 5(v); <b>repealed by 64, 1999, s. 6(a)</b>
	definition of "prime bank rate" inserted by 33, 1988, s. 4(g); substituted by 17, 1994, Sched. 4 cl. 6
	definition of "principal office" inserted by 58, 1984, s. 5(v)
	<b>definition of "project"</b> inserted by 33, 1988, s. 4(h); <b>repealed by 64, 1999, s. 6(a)</b>
	definition of "public place" amended by 32, 1978, s. 4(d); 38, 1996, s. 12(b)
	definition of "ratable property" amended by 12, 1976, s. 4(b), (c); 32, 1978, s. 4(e); 34, 1984, s. 4; repealed and definition of "ratable land" or "ratable property" inserted in its place by 33, 1988, s. 4(i)
	<b>definition of "ratepayer"</b> <b>repealed by 64, 1999, s. 6(a)</b>
	<b>definition of "refuse"</b> inserted by 12, 1976, s. 4(d); <b>repealed by 64, 1999, s. 6(a)</b>
	<b>definition of "returning officer"</b> inserted by 32, 1978, s. 4(f); substituted by 88, 1980, s. 3(c); 58, 1984, s. 5(w); <b>repealed by 64, 1999, s. 6(a)</b>
	<b>definition of "selection processes"</b> inserted by 26, 1991, s. 3(c); <b>repealed by 64, 1999, s. 6(a)</b>
	<b>definition of "site value"</b> inserted by 33, 1988, s. 4(j); <b>repealed by 64, 1999, s. 6(a)</b>
	<b>definition of "spouse"</b> inserted by 58, 1984, s. 5(w); <b>repealed by 64, 1999, s. 6(a)</b>
	definition of "this Act" repealed by 33, 1988, s. 55 (Sched.)
	definition of "town clerk" repealed by 58, 1984, s. 5(x)
	definition of "town office" repealed by 58, 1984, s. 5(x)
	definition of "township" substituted by 33, 1988, s. 55 (Sched.)
	<b>definition of "trustee investment"</b> inserted by 33, 1988, s. 4(k); <b>repealed by 64, 1999, s. 6(a)</b>
	<b>definition of "unalienated Crown land"</b> inserted by 33, 1988, s. 4(k); <b>repealed by 64, 1999, s. 6(a)</b>
	definition of "urban farm land" substituted by 12, 1976, s. 4(e); repealed by 33, 1988, s. 4(l)
	<b>definition of "valuation"</b> inserted by 33, 1988, s. 4(l); <b>repealed by 64, 1999, s. 6(a)</b>
	<b>definition of "voters roll"</b> inserted by 58, 1984, s. 5(y); <b>repealed by 64, 1999, s. 6(a)</b>
	definition of "watercourse" inserted by 104, 1983, s. 5(b)
Section 5(1a):	inserted by 13, 1985, s. 4
<b>Section 5(1b):</b>	inserted by 101, 1986, s. 3; <b>repealed by 64, 1999, s. 6(e)</b>
Section 5(6):	repealed by 33, 1988, s. 55 (Sched.); inserted by 29, 1992, s. 3(b)
<b>Section 5(7):</b>	substituted by 58, 1984, s. 5(z); amended by 99, 1988, s. 4(b); <b>repealed by 64, 1999, s. 6(e)</b>
Section 5(8):	repealed by 29, 1981, s. 16(f); inserted by 57, 1981, s. 2; repealed by 33, 1988, s. 4(m)
<b>Section 5(9):</b>	<b>repealed by 64, 1999, s. 6(e)</b>
Section 5(10):	inserted by 1, 1977, s. 3(b); repealed by 58, 1984, s. 5(za)
Section 5(11):	inserted by 88, 1980, s. 3(d); repealed by 58, 1984, s. 5(za)
<b>Section 5A:</b>	inserted by 108, 1995, s. 4; <b>repealed by 64, 1999, s. 6(f)</b>
Section 6:	repealed by 58, 1984, s. 6
Section 6a:	inserted by 12, 1976, s. 5; repealed by 58, 1984, s. 6

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**Part II** comprising ss. 7 - 45a and headings amended by 12, 1976, ss. 6 - 8; 77, 1976, ss. 5 - 15; 1, 1977, ss. 4 - 6; 32, 1978, ss. 6 - 17; 88, 1980, s. 4; 29, 1981, s. 17(b), (c); 103, 1983, s. 3; 34, 1984, ss. 5 - 7; repealed and ss. 6 - 34 and headings inserted in its place by 58, 1984, s. 7; amended by 12, 1986, s. 3; 33, 1988, s. 55 (Schd.); 99, 1988, ss. 5-13; 29, 1992, s. 4; 6, 1994, ss. 3, 4; 108, 1995, ss. 5-16; 58, 1996, s. 2; 98, 1996, s. 3; 66, 1997, s. 3-7; 52, 1998, ss. 4-33; **repealed by 64, 1999, s. 6(g)**

Part IIA comprising s. 45b and heading inserted by 32, 1978, s. 18; repealed by 58, 1984, s. 7

**Part III** comprising ss. 46 - 73 and headings amended by 77, 1976, ss. 16 - 18; 1, 1977, s. 7; 32, 1978, ss. 19 - 21; 88, 1980, ss. 5, 6; 27, 1983, s. 4; repealed and ss. 35 - 42 and headings inserted in its place by 58, 1984, s. 7; amended by 33, 1988, s. 5-8; 26, 1991, ss. 4, 5; 31, 1991, s. 3; 85, 1992, s. 4; 54, 1993, s. 9; 108, 1995, s. 17; **repealed by 64, 1999, s. 6(g)**

**Part IV** comprising ss. 74 - 82 and heading amended by 77, 1976, ss. 19, 20; 88, 1980, ss. 7, 8; repealed and ss. 43 - 57 and headings inserted in its place by 58, 1984, s. 7; amended by 13, 1985, ss. 5, 6; 12, 1986, ss. 4-7; 101, 1986, ss. 4, 5; 33, 1988, ss. 9, 55 (Schd.); 99, 1988, ss. 14-16; 69, 1990, s. 4; 29, 1992, ss. 5, 6; 35, 1992, s. 17; 14, 1997, s. 2; **repealed by 64, 1999, s. 6(g)**

**Part V** comprising ss. 83 - 87 and heading amended by 32, 1978, ss. 22, 91 (Schd.); 88, 1980, ss. 9 - 11; repealed and ss. 58 - 65 and headings inserted in its place by 58, 1985, s. 7; amended by 13, 1985, ss. 7-9; 12, 1986, s. 8; 101, 1986, s. 6; 33, 1988, s. 55 (Schd.); 99, 1988, ss. 17, 18; 66, 1993, s. 3; 98, 1996, ss. 4-9; **repealed by 64, 1999, s. 6(g)**

Part VA comprising ss. 65a - 65zzc and headings inserted by 31, 1991, s. 4

Section 65a(1):	definition of "State Records" substituted by 8, 1997, Sched. cl. 3(a)
Section 65b:	amended by 8, 1997, Sched. cl. 3(b)
Section 65d:	repealed by 98, 1996, s. 10
Section 65t:	redesignated as s. 65t(1) by 98, 1996, s. 11
Section 65t(2):	inserted by 98, 1996, s. 11
Section 65zb(2):	amended by 8, 1997, Sched. cl. 3(c)
Section 65zb(3) and (4):	repealed by 98, 1996, s. 12
Section 65zd(2):	amended by 8, 1997, Sched. cl. 3(d)
Section 65zd(2a):	inserted by 8, 1997, Sched. cl. 3(e)
Section 65zd(3):	amended by 8, 1997, Sched. cl. 3(f)
Section 65zd(4):	amended by 8, 1997, Sched. cl. 3(g)
Section 65zq(1):	amended by 98, 1996, s. 13

**Part VI** comprising ss. 88 - 101 and headings amended by 77, 1976, ss. 21, 22; 1, 1977, ss. 8 - 10; repealed and ss. 88 - 95 and heading inserted in its place by 32, 1978, s. 23; amended by 61, 1981, s. 2; repealed and ss. 66 - 84 and headings inserted in its place by 58, 1984, s. 7; amended by 13, 1985, ss. 10, 11; 12, 1986, ss. 9, 10; 33, 1988, s. 55 (Schd.); 99, 1988, s. 19; 69, 1990, s. 5; 26, 1991, ss. 6-9; 29, 1992, ss. 7-11; 35, 1992, s. 17; 43, 1992, s. 4; 54, 1993, s. 9(c); 6, 1994, ss. 5-7; 98, 1996, s. 14; 66, 1997, ss. 8, 9; 52, 1998, s. 34; **repealed by 64, 1999, s. 6(h)**

**Part VII** comprising ss. 102 - 142a and heading amended by 12, 1976, s. 9; 77, 1976, ss. 23 - 30; 1, 1977, ss. 11 - 13; 32, 1978, ss. 24 - 28, 91 (Sched.); 70, 1978, ss. 2 - 4; 88, 1980, ss. 12 - 31; 61, 1981, s. 3; 27, 1983, s. 5; repealed and ss. 85 - 145 and headings inserted in its place by 58, 1984, s. 7; amended by 13, 1985, ss. 12-14; 12, 1986, ss. 11, 12; 101, 1986, ss. 7-25; 33, 1988, s. 55 (Sched.); 99, 1988, ss. 20-49; 69, 1990, ss. 6-16; 29, 1992, ss. 12, 13; 43, 1992, s. 5; 79, 1994, s. 2; 98, 1996, ss. 15-24; 14, 1997, s. 3; **repealed by 64, 1999, s. 6(h)**

Part VIIA comprising ss. 142aa - 142r and heading inserted by 32, 1978, s. 29; amended by 34, 1981, ss. 56 - 58; repealed by 58, 1984, s. 7

**Part VIII** comprising ss. 143 - 156 and heading amended by 12, 1976, s. 10; 77, 1976, s. 31; 88, 1980, s. 32; 62, 1982, s. 3(7) (Sched. Pt. VII); repealed and ss. 146 - 151 and heading inserted in its place by 58, 1984, s. 7; amended by 13, 1985, ss. 15, 16; 12, 1986, s. 13; 33, 1988, s. 55 (Sched.); 98, 1996, s. 25; **repealed by 64, 1999, s. 6(h)**

**Part IX** comprising ss. 157 - 163 and heading amended by 12, 1976, ss. 11, 12; 32, 1978, ss. 30, 91 (Sched.); 88, 1980, s. 33; 27, 1983, ss. 6, 7; 102, 1983, s. 2; 7, 1984, ss. 2, 3; repealed by 58, 1984, s. 7; Part IX comprising ss. 152 - 166 and headings inserted by 33, 1988, s. 10; amended by 26, 1991, s. 10; 43, 1992, s. 6; 85, 1992, ss. 5-10; **repealed by 64, 1999, s. 6(h)**

Part IXA comprising ss. 163a - 163j and heading amended by 102, 1983, s. 3; repealed by 58, 1984, s. 7

Part IXAA comprising ss. 163ja - 163jh and heading amended by 12, 1976, s. 14; 102, 1983, s. 4; repealed by 58, 1984, s. 7

Part IXB comprising ss. 163k - 163nn and heading repealed by 12, 1976, s. 13

**Part X** comprising ss. 164 - 200 and headings amended by 12, 1976, ss. 15 - 17; 77, 1976, ss. 32 - 38; 32, 1978, ss. 31 - 34, 91 (Sched.); 88, 1980, ss. 34, 35; 29, 1981, s. 17(d)-(l); 57, 1981, s. 3; 27, 1983, ss. 8, 9; 58, 1984, ss. 8, 9, 47(c); repealed and ss. 167 - 194 and headings inserted in its place by 33, 1988, s. 10; amended by 99, 1988, s. 51; 69, 1990, s. 17; 29, 1992, ss. 14-16; 43, 1992, ss. 7-12; 85, 1992, ss. 11-13; 54, 1993, s. 9(d); 6, 1994, s. 8; 39, 1994, Sched. 3; 53, 1995, s. 10; 108, 1995, ss. 18, 19; 38, 1996, ss. 13, 14; 98, 1996, s. 26; 66, 1997, ss. 10-13; 43, 1998, s. 18; **repealed by 64, 1999, s. 6(h)**

**Part XI** comprising ss. 201 - 213a and headings amended by 12, 1976, ss. 18, 19; 29, 1981, s. 17(m); 27, 1983, s. 10; 58, 1984, ss. 10, 47(c); 88, 1984, s. 8(2) (Sched. Pt. II); 13, 1985, s. 17; repealed and s. 195 and heading inserted in its place by 33, 1988, s. 10; amended by 29, 1992, s. 17; **repealed by 64, 1999, s. 6(h)**

**Part XII** comprising ss. 214 - 248c and headings amended by 12, 1976, ss. 20 - 34; 77, 1976, ss. 39 - 46; 55, 1977, ss. 11, 12; 32, 1978, s. 35; 70, 1978, ss. 5, 6; 88, 1980, ss. 36 - 38; 29, 1981, s. 17(n)-(q); 62, 1982, s. 3(7) (Sched. Pt. VIII); 27, 1983, ss. 11 - 14; 34, 1984, ss. 8, 9; 58, 1984, ss. 11, 47(c); 13, 1985, s. 18; 78, 1986, (Sched. 5 s. 2); repealed and ss. 196 - 198 and heading inserted in its place by 33, 1988, s. 10; amended by 43, 1992, ss. 13, 14; 85, 1992, s. 14; 54, 1993, s. 9(e); **repealed by 64, 1999, s. 6(h)**

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**Part XIII** comprising ss. 249 - 267b and headings amended by 12, 1976, ss. 35 - 41; 32, 1978, ss. 36 - 40, 91 (Sched.); 29, 1981, s. 17(r), (s); 58, 1984, s. 47(c); repealed and ss. 199, 200 and heading inserted in its place by 33, 1988, s. 10; amended by 99, 1988, s. 51; 43, 1992, ss. 15, 16; 66, 1997, s. 14; **repealed by 64, 1999, s. 6(h)**

Part XIV comprising ss. 268 - 283 and heading amended by 12, 1976, ss. 42 - 44; 58, 1984, ss. 12, 47(c); repealed by 33, 1988, s. 10

Part XV comprising ss. 284 - 298b and heading amended by 12, 1976, ss. 45 - 48; 77, 1976, s. 47; 32, 1978, ss. 41, 42; 88, 1980, s. 39; 34, 1984, ss. 10, 11; 58, 1984, ss. 13 - 17, 47(c); 13, 1985, ss. 19, 20; 12, 1986, ss. 14 - 16; repealed by 33, 1988, s. 10

Sections 299 and 300: Section 300a(2a):	repealed by 34, 1984, s. 12 deleted in pursuance of the <i>Acts Republication Act, 1967</i> , as it is now obsolete
Section 300a(3): <b>Section 301:</b>	repealed by 34, 1984, s. 13 amended by 62, 1982, s. 3(7) (Sched. Pt. VII); 80, 1986, s. 2; <b>repealed by 64, 1999, s. 6(i)</b>
<b>Section 302:</b>	<b>repealed by 64, 1999, s. 6(i)</b>
<b>Section 303:</b>	amended by 101, 1986, s. 26; <b>repealed by 64, 1999, s. 6(i)</b>
<b>Section 304:</b>	amended by 58, 1984, s. 47(c); <b>repealed by 64, 1999, s. 6(i)</b>
<b>Section 305:</b>	amended by 12, 1986, s. 17; 9, 1990, s. 42 (Sched.); <b>repealed by 64, 1999, s. 6(i)</b>
<b>Section 306:</b>	<b>repealed by 64, 1999, s. 6(i)</b>
<b>Section 307:</b>	amended by 62, 1982, s. 3(7) (Sched. Pt. VII); <b>repealed by 64, 1999, s. 6(i)</b>
<b>Sections 308 - 310b:</b>	<b>repealed by 64, 1999, s. 6(i)</b>
<b>Section 311:</b>	amended by 58, 1984, s. 47(c); <b>repealed by 64, 1999, s. 6(i)</b>
<b>Section 312:</b>	amended by 77, 1976, s. 48; <b>repealed by 64, 1999, s. 6(i)</b>
<b>Section 313:</b>	amended by 77, 1976, s. 49; 58, 1984, s. 47(c); 33, 1988, s. 11; <b>repealed by 64, 1999, s. 6(i)</b>
Section 313a:	repealed by 34, 1984, s. 14
<b>Sections 314 - 318:</b>	<b>repealed by 64, 1999, s. 6(i)</b>
<b>Section 319:</b>	amended by 12, 1976, s. 49; 32, 1978, s. 43; 58, 1984, s. 47(c); 38, 1996, s. 15; <b>repealed by 64, 1999, s. 6(i)</b>
Section 319a:	deleted in pursuance of the <i>Acts Republication Act, 1967</i> , as its function is now exhausted
<b>Sections 320 and 321:</b>	<b>repealed by 64, 1999, s. 6(i)</b>
Section 322:	amended by 13, 1985, s. 21
Section 324:	amended by 32, 1978, s. 91 (Sched.); 13, 1985, s. 22
Section 325(2):	amended by 58, 1984, s. 18
Section 325(4):	amended by 32, 1978, s. 91 (Sched.)
<b>Sections 326 and 327:</b>	<b>repealed by 64, 1999, s. 6(j)</b>
<b>Section 328:</b>	amended by 12, 1976, s. 50; 32, 1978, s. 44; 58, 1984, s. 47(c); 38, 1996, s. 16; <b>repealed by 64, 1999, s. 6(j)</b>
<b>Section 329:</b>	<b>repealed by 64, 1999, s. 6(j)</b>
<b>Section 330:</b>	amended by 32, 1978, s. 45; <b>repealed by 64, 1999, s. 6(j)</b>
<b>Section 331:</b>	amended by 32, 1978, s. 91 (Sched.); 13, 1985, s. 23; <b>repealed by 64, 1999, s. 6(j)</b>
<b>Section 332:</b>	amended by 34, 1984, s. 15; <b>repealed by 64, 1999, s. 6(j)</b>
<b>Section 333:</b>	amended by 32, 1978, s. 91 (Sched.); <b>repealed by 64, 1999, s. 6(j)</b>
<b>Section 334:</b>	amended by 32, 1978, s. 91 (Sched.); <b>repealed by 64, 1999, s. 6(j)</b>
<b>Section 335:</b>	<b>repealed by 64, 1999, s. 6(j)</b>
<b>Section 336:</b>	amended by 13, 1985, s. 24; <b>repealed by 64, 1999, s. 6(j)</b>
<b>Section 337:</b>	amended by 13, 1985, s. 25; <b>repealed by 64, 1999, s. 6(j)</b>
<b>Section 337a:</b>	<b>repealed by 64, 1999, s. 6(j)</b>
<b>Section 338:</b>	amended by 32, 1978, s. 91 (Sched.); 30, 1994, Sched. 4 cl. 2(a)(i); 96, 1996, Sched. 1 cl. 2(a); <b>repealed by 64, 1999, s. 6(j)</b>

<b>Section 339:</b>	amended by 32, 1978, s. 91 (Sched.); 30, 1994, Sched. 4 cl. 2(a)(ii); 96, 1996, Sched. 1 cl. 2(b); <b>repealed by 64, 1999, s. 6(j)</b>
<b>Sections 340 and 341:</b>	<b>repealed by 64, 1999, s. 6(j)</b>
<b>Section 342:</b>	amended by 32, 1978, s. 46; 27, 1983, s. 15; 58, 1984, s. 47(c); 38, 1996, s. 17; <b>repealed by 64, 1999, s. 6(j)</b>
<b>Section 343:</b>	amended by 32, 1978, s. 47; 27, 1983, s. 16; 58, 1984, s. 47(c); 38, 1996, s. 18; <b>repealed by 64, 1999, s. 6(j)</b>
<b>Section 344:</b>	amended by 27, 1983, s. 17; <b>repealed by 64, 1999, s. 6(j)</b>
<b>Section 344a:</b>	amended by 32, 1978, s. 48; 27, 1983, s. 18; 58, 1984, s. 47(c); 38, 1996, s. 19; <b>repealed by 64, 1999, s. 6(j)</b>
<b>Section 344b:</b>	inserted by 88, 1980, s. 40; <b>repealed by 64, 1999, s. 6(j)</b>
<b>Section 345:</b>	amended by 38, 1996, s. 20; <b>repealed by 64, 1999, s. 6(j)</b>
<b>Sections 346, 346a and 347:</b>	<b>repealed by 64, 1999, s. 6(j)</b>
<b>Section 348:</b>	amended by 38, 1996, s. 21; <b>repealed by 64, 1999, s. 6(j)</b>
	Division XIII of Part XVII comprising s. 352 and heading repealed by 12, 1986, s. 18
Heading preceding section 353:	repealed by 32, 1978, s. 49
<b>Sections 353 - 355a:</b>	<b>repealed by 64, 1999, s. 6(j)</b>
<b>Section 355b:</b>	amended by 32, 1978, s. 91 (Sched.); <b>repealed by 64, 1999, s. 6(j)</b>
<b>Sections 356 and 357:</b>	<b>repealed by 64, 1999, s. 6(j)</b>
<b>Section 358:</b>	amended by 32, 1978, s. 91 (Sched.); 13, 1985, s. 26; 12, 1986, s. 19; 43, 1992, s. 17; <b>repealed by 64, 1999, s. 6(j)</b>
Section 359:	repealed by 34, 1984, s. 16; inserted by 12, 1986, s. 20
Section 359(1):	amended by 101, 1986, s. 27
<b>Sections 360 and 361:</b>	<b>repealed by 64, 1999, s. 6(k)</b>
<b>Section 362:</b>	amended by 32, 1978, s. 50; <b>repealed by 64, 1999, s. 6(k)</b>
<b>Sections 362a and 362b:</b>	<b>repealed by 64, 1999, s. 6(k)</b>
<b>Section 363:</b>	amended by 13, 1985, s. 27; <b>repealed by 64, 1999, s. 6(k)</b>
<b>Section 363a:</b>	amended by 96, 1996, Sched. 1 cl. 2(c)-(e); <b>repealed by 64, 1999, s. 6(k)</b>
<b>Section 364:</b>	substituted by 12, 1976, s. 51; amended by 29, 1992, s. 18; <b>repealed by 64, 1999, s. 6(k)</b>
<b>Section 365:</b>	amended by 12, 1976, s. 52; amended by 29, 1992, s. 19; <b>repealed by 64, 1999, s. 6(k)</b>
<b>Section 365a:</b>	<b>repealed by 64, 1999, s. 6(k)</b>
<b>Section 365b:</b>	amended by 12, 1976, s. 53; substituted by 12, 1986, s. 21; <b>repealed by 64, 1999, s. 6(k)</b>
<b>Section 366:</b>	amended by 29, 1992, s. 20; <b>repealed by 64, 1999, s. 6(k)</b>
<b>Section 366a:</b>	<b>repealed by 64, 1999, s. 6(k)</b>
<b>Section 366aa:</b>	amended by 96, 1996, Sched. 1 cl. 2(f); <b>repealed by 64, 1999, s. 6(k)</b>
<b>Section 367:</b>	amended by 32, 1978, s. 91 (Sched.); 13, 1985, s. 28; <b>repealed by 64, 1999, s. 6(k)</b>
<b>Section 368:</b>	amended by 32, 1978, s. 91 (Sched.); 27, 1983, s. 19; <b>repealed by 64, 1999, s. 6(k)</b>
<b>Section 369:</b>	amended by 32, 1978, s. 91 (Sched.); <b>repealed by 64, 1999, s. 6(k)</b>
<b>Section 370:</b>	repealed by 33, 1978, s. 4; inserted by 43, 1992, s. 18; <b>repealed by 64, 1999, s. 6(k)</b>
<b>Section 370a:</b>	<b>repealed by 64, 1999, s. 6(k)</b>
Heading preceding section 371:	repealed by 32, 1978, s. 51
<b>Section 371:</b>	amended by 32, 1978, s. 91 (Sched.); 34, 1984, s. 17; <b>repealed by 64, 1999, s. 6(k)</b>
Heading preceding section 373:	repealed by 32, 1978, s. 52
Section 373:	amended by 12, 1976, s. 54; 32, 1978, s. 91 (Sched.); repealed by 33, 1978, s. 4
Heading preceding section 374:	repealed by 32, 1978, s. 53
<b>Section 374:</b>	<b>repealed by 64, 1999, s. 6(k)</b>
<b>Section 375:</b>	amended by 32, 1978, ss. 54, 91 (Sched.); 29, 1992, s. 21; <b>repealed by 64, 1999, s. 6(k)</b>
<b>Section 376:</b>	amended by 32, 1978, s. 91 (Sched.); <b>repealed by 64, 1999, s. 6(k)</b>

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Part XVIII comprising ss. 377 - 383 and headings amended by 12, 1976, s. 55; 88, 1980, s. 41; 62, 1982, s. 3(7) (Sched. Pt. VII); 58, 1984, ss. 19, 47(c); 12, 1986, s. 22; repealed by 33, 1988, s. 12

Part XVIII A comprising s. 383a and heading inserted by 12, 1986, s. 23; repealed by 33, 1988, s. 12

Part XIX comprising ss. 384 - 406a and heading amended by 32, 1978, ss. 55, 91 (Sched.); 70, 1978, ss. 7 - 12; 13, 1985, ss. 29, 30; repealed by 33, 1988, s. 12

Part XX comprising ss. 407 - 422 and heading amended by 32, 1978, s. 56; 58, 1984, s. 47(c); repealed by 33, 1988, s. 12

Part XXI comprising ss. 424 - 449d and heading amended by 12, 1976, ss. 56 - 59; 77, 1976, ss. 50 - 57; 86, 1976, s. 2; 32, 1978, ss. 57 - 63; 88, 1980, s. 42; 103, 1983, ss. 4 - 8; 58, 1984, ss. 20, 47(c); 12, 1986, s. 24; repealed by 33, 1988, s. 12

**Part XXII** comprising ss. 450 - 475 and headings amended by 77, 1976, ss. 58, 59; 1, 1977, s. 14; 32, 1978, ss. 64, 65, 91 (Sched.); 88, 1980, ss. 43, 44; 58, 1984, ss. 21, 22; 9, 1990, s. 42 (Sched.); 96, 1996, Sched. 1 cl. 2(g); **repealed by 64, 1999, s. 6(l)**

Part XXII A comprising ss. 475a - 475g and heading amended by 12, 1976, s. 60; 32, 1978, s. 91 (Sched.); repealed and ss. 475a - 475h and heading inserted in its place by 33, 1978, s. 5; amended by 50, 1979, ss. 3-6; 89, 1980, ss. 3-7; 58, 1984, s. 47(c); 12, 1986, ss. 25, 26; 69, 1990, ss. 18-21; 43, 1992, s. 19; repealed by 39, 1999, Sched. cl. 3

**Part XXIII** comprising ss. 476 - 481 and heading amended by 32, 1978, s. 91 (Sched.); 109, 1978, s. 37(1)(a), (b); 34, 1984, ss. 18, 19; 12, 1986, s. 27; 33, 1988, ss. 13, 14; **repealed by 64, 1999, s. 6(m)**

**Part XXIV** comprising ss. 482 - 520 and headings amended by 77, 1976, ss. 60, 61; 32, 1978, s. 91 (Sched.); 88, 1980, s. 45; 34, 1984, s. 20; 33, 1988, ss. 15-19; 96, 1996, Sched. 1 cl. 2(h); **repealed by 64, 1999, s. 6(n)**

Sections 521 and 522:	repealed by 12, 1986, s. 28
Sections 523 and 524:	amended by 32, 1978, s. 91 (Sched.); repealed by 12, 1986, s. 28
Sections 525 - 527:	repealed by 12, 1986, s. 28
Section 528(1b) and (2):	amended by 37, 1987, s. 32
Section 529(3):	amended by 37, 1987, s. 33
Section 530:	repealed by 33, 1988, s. 20
Section 530a:	amended by 37, 1987, s. 34
Section 530b:	amended by 37, 1987, s. 35
Section 530c:	amended by 12, 1976, s. 61; 32, 1978, s. 66; 70, 1978, s. 13; 103, 1983, s. 9; 13, 1985, s. 31; 37, 1987, s. 36; substituted by 33, 1988, s. 21
Section 530c(1):	substituted by 43, 1992, s. 20(a)
Section 530c(2):	repealed by 43, 1992, s. 20(a)
Section 530c(3):	amended by 43, 1992, s. 20(b)
Section 530c(5):	amended by 43, 1992, s. 20(c)
Section 530c(10) - (12):	inserted by 43, 1992, s. 20(d)
Sections 533 and 534:	repealed by 33, 1988, s. 22
Section 536(1) and (2):	amended by 32, 1978, s. 91 (Sched.)
Section 536a:	amended by 32, 1978, s. 67; repealed by 37, 1987, s. 37
Section 536b:	inserted by 88, 1980, s. 46; repealed by 37, 1987, s. 37
Section 537:	amended by 37, 1987, s. 38; repealed by 33, 1988, s. 23
Sections 538 - 540:	repealed by 37, 1987, s. 39



- Section 540a(1): amended by 32, 1978, s. 91 (Sched.)  
Section 540a(4): repealed by 37, 1987, s. 40  
Section 541: amended by 12, 1976, s. 62; 32, 1978, s. 91 (Sched.); repealed by 34, 1984, s. 21
- Division II of Part XXVI comprising ss. 542 - 550c and heading amended by 12, 1976, ss. 63 - 65; 32, 1978, s. 91 (Sched.); 88, 1980, s. 47; 34, 1984, s. 22; repealed by 37, 1987, s. 41
- Part XXVII comprising ss. 551 - 555a and heading amended by 32, 1978, s. 91 (Sched); repealed by 17, 1980, s. 4
- Part XXVIII comprising ss. 569 - 573 and heading repealed by 34, 1984, s. 23
- Part XXIX comprising ss. 574 - 584 and heading amended by 32, 1978, s. 91 (Sched.); repealed by 12, 1986, s. 29
- Section 586(4): amended by 32, 1978, s. 91 (Sched.)  
Section 593: amended by 32, 1978, s. 91 (Sched.)  
Section 595(1): amended by 32, 1978, s. 91 (Sched.); 37, 1987, s. 42  
Section 595(4): deleted in pursuance of the *Acts Republication Act, 1967*, as it is now obsolete  
Section 596: amended by 37, 1987, s. 43
- Part XXXI** comprising ss. 597 - 619 and headings amended by 32, 1978, ss. 68, 69, 91 (Sched.); 13, 1985, ss. 32-42; **repealed by 64, 1999, s. 6(o)**
- Part XXXII comprising ss. 620 - 625 and heading amended by 32, 1978, s. 91 (Sched.); repealed by 12, 1999, s. 5
- Part XXXIII** comprising ss. 626 - 628 and heading amended by 32, 1978, s. 91 (Sched.); 12, 1986, s. 30; **repealed by 64, 1999, s. 6(p)**
- Section 629(2): amended by 32, 1978, s. 91 (Sched.)  
Section 630: repealed by 33, 1988, s. 24  
Section 632: amended by 32, 1978, s. 91 (Sched.)
- Part XXXV** comprising ss. 633 - 643 and headings amended by 12, 1976, ss. 66, 67; 32, 1978, s. 91 (Sched); repealed and ss. 633 - 642 and headings inserted in its place by 104, 1983, s. 6; amended by 7, 1991, s. 4; 73, 1994, Sched. 2; 35, 1997, s. 21; **repealed by 64, 1999, s. 6(q)**
- Part XXXVI** comprising ss. 644 - 646 and heading amended by 33, 1988, s. 25; **repealed by 64, 1999, s. 6(r)**
- Part XXXVII comprising ss. 647 - 660 and heading amended by 32, 1978, s. 91 (Sched.); repealed by 13, 1985, s. 43
- Part XXXVIII** comprising ss. 661 - 666c and heading amended by 12, 1976, s. 68; 32, 1978, s. 70; 88, 1980, s. 48; 58, 1984, ss. 23, 47(c); 33, 1988, ss. 26-28; 54, 1993, s. 9(f); 52, 1998, s. 35; **repealed by 64, 1999, s. 6(s)**
- Division I of Part XXXIX comprising ss. 667 - 686b and heading repealed and ss. 667 - 681 and heading inserted in its place by 32, 1978, s. 71
- Section 667(1): redesignated as s. 667 in pursuance of the *Acts Republication Act, 1967*;  
redesignated as s. 667(1) by 30, 1994, Sched. 4 cl. 2(a)(v)  
Section 667(1) 1: repealed by 58, 1984, s. 24(a)

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<b>Section 667(1) 2:</b>	amended by 13, 1985, s. 44(a); <b>repealed by 64, 1999, s. 6(t)</b>
Section 667(1) 3:	amended by 34, 1984, s. 24(a), (b)
<b>Section 667(1) 3 I - XV:</b>	<b>repealed by 64, 1999, s. 6(u)</b>
<b>Section 667(1) 3 XVII - XIX:</b>	<b>repealed by 64, 1999, s. 6(v)</b>
<b>Section 667(1) 3 XLIII - XLV:</b>	<b>repealed by 64, 1999, s. 6(w)</b>
<b>Section 667(1) 3 L - LIII:</b>	<b>repealed by 64, 1999, s. 6(x)</b>
Section 667(1) 4:	amended by 34, 1984, s. 24(d)
Section 667(1) 4 II - V:	repealed by 34, 1984, s. 24(c)
<b>Section 667(1) 4 VI - VIII:</b>	<b>repealed by 64, 1999, s. 6(y)</b>
<b>Section 667(1) 4 IX:</b>	repealed by 17, 1980, s. 5; inserted by 43, 1992, s. 21(a); amended by 48, 1994, Sched. 2 cl. 1; <b>repealed by 64, 1999, s. 6(y)</b>
Section 667(1) 4 X - XV:	repealed by 17, 1980, s. 5
Section 667(1) 4 XVI:	deleted in pursuance of the <i>Acts Republication Act, 1967</i> , as it is now obsolete
<b>Section 667(1) 4 XVII and XVIII:</b>	<b>repealed by 64, 1999, s. 6(y)</b>
<b>Section 667(1) 4 XXIX:</b>	amended by 13, 1985, s. 44(c); <b>repealed by 64, 1999, s. 6(y)</b>
<b>Section 667(1) 4 XX and XXI:</b>	<b>repealed by 64, 1999, s. 6(y)</b>
<b>Section 667(1) 4 XXIII - XL:</b>	<b>repealed by 64, 1999, s. 6(y)</b>
Section 667(1) 4 XLI - XLIII:	repealed by 12, 1986, s. 31(a)
<b>Section 667(1) 5 I - III:</b>	<b>repealed by 64, 1999, s. 6(z)</b>
Section 667(1) 5 VIII:	inserted by 43, 1992, s. 21(b); repealed by 15, 1995, Sched. 2
Section 667(1) 7:	amended by 33, 1978, s. 6(a), (b)
Section 667(1) 7 I:	repealed by 39, 1999, Sched. cl. 4
Section 667(1) 7 III:	repealed by 12, 1986, s. 31(b)
Section 667(1) 7 IV, VII, X:	repealed by 39, 1999, Sched. cl. 4
Section 667(1) 7 XII - XIV:	repealed by 33, 1978, s. 6(c)
<b>Section 667(1) 7 XV:</b>	<b>repealed by 64, 1999, s. 6(za)</b>
Section 667(1) 7 XVI:	repealed by 39, 1999, Sched. cl. 4
<b>Section 667(1) 7 XVII - XXI:</b>	<b>repealed by 64, 1999, s. 6(za)</b>
Section 667(1) 7 XXII - XXV:	repealed by 39, 1999, Sched. cl. 4
Section 667(1) 7 XXVI:	amended by 30, 1994, Sched. 4 cl. 2(a)(iii)
<b>Section 667(1) 7 XXVII - XLII:</b>	<b>repealed by 64, 1999, s. 6(za)</b>
<b>Section 667(1) 7 XLIV - XLVIII:</b>	<b>repealed by 64, 1999, s. 6(za)</b>
<b>Section 667(1) 8:</b>	amended by 109, 1978, s. 37(1)(c), (d); 58, 1984, s. 24(b); <b>64, 1999, s. 6(zc)</b>
<b>Section 667(1) 8 I - XI:</b>	<b>repealed by 64, 1999, s. 6(zb)</b>
<b>Section 667(1) 8 XIII - XXI:</b>	<b>repealed by 64, 1999, s. 6(zb)</b>
Section 667(1) 8 XXII:	repealed by 50, 1979, s. 7
<b>Section 667(1) 8 XXIII - XXX:</b>	<b>repealed by 64, 1999, s. 6(zb)</b>
<b>Section 667(1) 8 XXXI:</b>	<b>repealed by 64, 1999, s. 6(zd)</b>
<b>Section 667(1) 8 XXXII:</b>	<b>substituted by 64, 1999, s. 6(ze)</b>
<b>Section 667(1) 8 XXXIII and XXXIV:</b>	<b>repealed by 64, 1999, s. 6(ze)</b>
Section 667(1) 8 XXXV - XXXVII:	repealed by 12, 1986, s. 31(c)
<b>Section 667(1) 8 XXXVIII - XLV:</b>	<b>repealed by 64, 1999, s. 6(zf)</b>
<b>Section 667(1) 8 XLVII:</b>	<b>repealed by 64, 1999, s. 6(zg)</b>
<b>Section 667(1) 9 I - XII:</b>	<b>repealed by 64, 1999, s. 6(zh)</b>
Section 667(1) 9 XIII:	repealed by 30, 1994, Sched. 4 cl. 2(a)(iv)
<b>Section 667(1) 9 XIV and XV:</b>	<b>repealed by 64, 1999, s. 6(zh)</b>
<b>Section 667(1) 9 XVIII:</b>	<b>amended by 64, 1999, s. 6(zi)</b>
<b>Section 667(2):</b>	deleted in pursuance of the <i>Acts Republication Act, 1967</i> , as its function is now exhausted; inserted by 30, 1994, Sched. 4 cl. 2(a)(v); <b>amended by 64, 1999, s. 6(zj)</b>
<b>Section 668:</b>	amended by 34, 1984, s. 25; 58, 1984, s. 47(c); 13, 1985, s. 45; 12, 1986, s. 32; 37, 1987, s. 44; <b>substituted by 29, 1992, s. 22; 64, 1999, s. 6(zk)</b>
<b>Section 669:</b>	substituted by 34, 1984, s. 26; 29, 1992, s. 22; <b>repealed by 64, 1999, s. 6(zk)</b>

<b>Section 670:</b>	repealed by 34, 1984, s. 26; inserted by 29, 1992, s. 22; <b>repealed by 64, 1999, s. 6(zk)</b>
<b>Section 671:</b>	amended by 109, 1978, s. 37(1)(e); repealed by 34, 1984, s. 26; inserted by 29, 1992, s. 22; <b>repealed by 64, 1999, s. 6(zk)</b>
<b>Section 672:</b>	repealed by 34, 1984, s. 26; inserted by 29, 1992, s. 22; amended by 108, 1995, s. 20; <b>repealed by 64, 1999, s. 6(zk)</b>
<b>Section 672a:</b>	inserted by 50, 1979, s. 8; <b>repealed by 64, 1999, s. 6(zk)</b>
<b>Sections 673 and 674:</b>	<b>repealed by 64, 1999, s. 6(zk)</b>
Sections 675 and 676:	repealed by 29, 1992, s. 23
<b>Section 677:</b>	<b>repealed by 64, 1999, s. 6(zk)</b>
Section 678:	repealed by 29, 1992, s. 24
Section 679:	amended by 33, 1978, s. 7; 50, 1979, s. 9; 13, 1985, s. 46; 12, 1986, s. 33; repealed by 29, 1992, s. 24
Section 680:	repealed by 33, 1988, s. 29
<b>Section 681:</b>	amended by 58, 1984, s. 25; <b>repealed by 64, 1999, s. 6(zk)</b>
Division II of Part XXXIX comprising ss. 687 - 690 and heading repealed and ss. 682 - 684 and heading inserted in its place by 32, 1978, s. 71	
<b>Section 682:</b>	amended by 12, 1986, s. 34; 37, 1987, s. 45; <b>repealed by 64, 1999, s. 6(zk)</b>
<b>Sections 683 and 684:</b>	<b>repealed by 64, 1999, s. 6(zk)</b>
<b>Section 685:</b>	inserted by 29, 1992, s. 25; <b>repealed by 64, 1999, s. 6(zk)</b>
Section 691(1):	amended by 27, 1983, s. 20; 58, 1984, ss. 26, 47(e); 12, 1986, s. 35; 33, 1988, s. 30(a); 85, 1992, s. 15(a)-(d)
<b>Section 691(1)(a) - (af):</b>	<b>repealed by 64, 1999, s. 6(zl)</b>
<b>Section 691(1)(b), (d) - (f):</b>	<b>repealed by 64, 1999, s. 6(zl)</b>
Section 691(1)(g):	repealed by 58, 1984, s. 26
Section 691(1a):	inserted by 33, 1988, s. 30(b)
Section 691(2) and (3):	substituted by 85, 1992, s. 15(e)
Section 692(2):	amended by 33, 1988, s. 31(a), (b)
Section 692(2a):	inserted by 33, 1988, s. 31(c)
Section 692(3):	amended by 33, 1988, s. 31(d)
Section 692(4):	inserted by 33, 1988, s. 31(e)
Section 693:	amended by 12, 1976, s. 69; 69, 1990, s. 22
Section 694(3):	amended by 33, 1988, s. 32
Sections 695 and 696:	amended by 58, 1984, s. 47(c)
<b>Section 697:</b>	amended by 58, 1984, s. 47(c); <b>repealed by 64, 1999, s. 6(zm)</b>
Section 698:	amended by 58, 1984, s. 47(c)
<b>Section 699:</b>	<b>amended by 58, 1984, s. 47(c); 64, 1999, s. 6(zn)</b>
<b>Sections 700 - 704:</b>	<b>repealed by 64, 1999, s. 6(zo)</b>
Section 704a:	repealed by 43, 1992, s. 22
<b>Section 705 - 707:</b>	<b>repealed by 64, 1999, s. 6(zo)</b>
<b>Section 708:</b>	amended by 33, 1988, s. 33; <b>repealed by 64, 1999, s. 6(zo)</b>
<b>Section 709:</b>	amended by 32, 1978, s. 72; 33, 1988, s. 34; <b>repealed by 64, 1999, s. 6(zo)</b>
<b>Section 710:</b>	amended by 77, 1976, s. 62; 32, 1978, s. 73; 33, 1988, s. 35; <b>repealed by 64, 1999, s. 6(zo)</b>
<b>Section 711:</b>	<b>repealed by 64, 1999, s. 6(zo)</b>
<b>Section 712:</b>	amended by 34, 1984, s. 27; <b>repealed by 64, 1999, s. 6(zo)</b>
<b>Section 713:</b>	amended by 32, 1978, s. 74; <b>repealed by 64, 1999, s. 6(zo)</b>
<b>Section 714:</b>	amended by 33, 1988, s. 36; <b>repealed by 64, 1999, s. 6(zo)</b>
Section 716:	repealed by 59, 1994, Sched. 2
Section 717:	amended and redesignated as s. 717(1) by 33, 1988, s. 37(a)-(d)
Section 717(2):	inserted by 33, 1988, s. 37(d)
Section 718:	repealed by 58, 1984, s. 27
<b>Section 721:</b>	amended by 88, 1980, s. 49; 66, 1997, s. 15; <b>repealed by 64, 1999, s. 6(zp)</b>
<b>Sections 722 and 723:</b>	<b>repealed by 64, 1999, s. 6(zq)</b>
Section 724:	repealed by 58, 1984, s. 28
Section 725(1):	amended by 77, 1976, s. 62a; 103, 1983, s. 10(a)

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Section 725(2):	amended by 103, 1983, s. 10(b)
Section 726:	repealed by 34, 1984, s. 28
Sections 727 and 728:	repealed by 33, 1988, s. 38
<b>Section 729:</b>	<b>repealed by 64, 1999, s. 6(zr)</b>
<b>Section 730:</b>	amended by 58, 1984, s. 47(c); <b>repealed by 64, 1999, s. 6(zr)</b>
<b>Section 731:</b>	<b>repealed by 64, 1999, s. 6(zr)</b>
<b>Section 732:</b>	substituted by 33, 1988, s. 39; <b>repealed by 64, 1999, s. 6(zr)</b>
<b>Section 733:</b>	amended by 58, 1984, s. 29; <b>repealed by 64, 1999, s. 6(zr)</b>
<b>Section 734:</b>	amended by 58, 1984, s. 47(c); <b>repealed by 64, 1999, s. 6(zr)</b>
Section 735:	amended by 58, 1984, s. 47(c)
Section 736:	repealed by 58, 1984, s. 30
Section 737:	repealed by 58, 1984, s. 31
Section 738:	amended by 58, 1984, s. 47(c)
Section 739(1):	amended by 58, 1984, s. 47(c)
<b>Section 739(2):</b>	amended by 27, 1983, s. 21; 58, 1984, s. 47(c); <b>repealed by 64, 1999, s. 6(zs)</b>
<b>Section 740:</b>	amended by 27, 1983, s. 22; <b>repealed by 64, 1999, s. 6(zt)</b>
Section 741:	repealed by 58, 1984, s. 32
<b>Section 742:</b>	amended by 58, 1984, s. 47(c); <b>repealed by 64, 1999, s. 6(zt)</b>
Section 743(1):	amended by 32, 1978, s. 75; redesignated as s. 743 in pursuance of the <i>Acts Replication Act, 1967</i> ; amended by 43, 1992, s. 23
Section 743a:	substituted by 69, 1990, s. 23
Section 744:	substituted by 58, 1984, s. 33
Section 745:	amended by 58, 1984, ss. 34, 47(c)
<b>Section 746:</b>	<b>repealed by 64, 1999, s. 6(zu)</b>
<b>Part XLIA</b> comprising ss. 748a - 748d and heading inserted by 12, 1976, s. 70; amended by 32, 1978, s. 76; 12, 1986, s. 36; 69, 1990, s. 24; 34, 1996, s. 4 (Sched. cl. 23); 66, 1997, ss. 16, 17; <b>repealed by 64, 1999, s. 6(zv)</b>	
<b>Section 749:</b>	amended by 32, 1978, s. 91 (Sched.); <b>repealed by 64, 1999, s. 6(zw)</b>
<b>Section 750:</b>	amended by 32, 1978, s. 91 (Sched.); 58, 1984, s. 47(c); <b>repealed by 64, 1999, s. 6(zw)</b>
<b>Section 751:</b>	amended by 32, 1978, s. 91 (Sched.); <b>repealed by 64, 1999, s. 6(zw)</b>
Section 752:	amended by 32, 1978, s. 91 (Sched.); repealed by 12, 1986, s. 37
Section 753:	amended by 32, 1978, s. 91 (Sched.); repealed by 58, 1984, s. 35
Sections 755 and 755a:	amended by 32, 1978, s. 91 (Sched.); repealed by 58, 1984, s. 35
Section 755b:	substituted by 61, 1981, s. 4; repealed by 58, 1984, s. 35
Sections 756 - 758:	repealed by 58, 1984, s. 36
Sections 759 - 762:	amended by 32, 1978, s. 91 (Sched.); repealed by 58, 1984, s. 36
Section 763:	amended by 77, 1976, s. 63; 32, 1978, s. 91 (Sched.); repealed by 58, 1984, s. 6
Sections 764 - 766:	repealed by 58, 1984, s. 36
Section 767:	repealed by 77, 1976, s. 64
<b>Section 768:</b>	amended by 77, 1976, s. 65; 32, 1978, s. 91 (Sched.); 58, 1984, s. 37; <b>repealed by 64, 1999, s. 6(zw)</b>
Section 769:	amended by 32, 1978, s. 91 (Sched.); repealed by 58, 1984, s. 38
<b>Section 769a:</b>	amended by 32, 1978, s. 91 (Sched.); <b>repealed by 64, 1999, s. 6(zw)</b>
Section 770:	amended by 32, 1978, s. 91 (Sched.); repealed by 58, 1984, s. 38
<b>Section 771:</b>	<b>repealed by 64, 1999, s. 6(zw)</b>
<b>Section 772:</b>	amended by 59, 1994, Sched. 2; <b>repealed by 64, 1999, s. 6(zw)</b>
<b>Section 773:</b>	amended by 32, 1978, s. 91 (Sched.); <b>repealed by 64, 1999, s. 6(zw)</b>
Section 774:	amended by 32, 1978, s. 91 (Sched.); 58, 1984, s. 47(c); repealed by 33, 1988, s. 40
Section 775:	amended by 32, 1978, s. 91 (Sched.); repealed by 58, 1984, s. 39
Section 776:	repealed by 58, 1984, s. 40
<b>Section 778:</b>	amended by 32, 1978, s. 91 (Sched.); 13, 1985, s. 47; <b>repealed by 64, 1999, s. 6(zw)</b>
<b>Section 778a:</b>	amended by 88, 1980, s. 50; <b>repealed by 64, 1999, s. 6(zw)</b>

<b>Section 779:</b>	amended by 32, 1978, s. 91 (Sched.); 34, 1984, s. 29; <b>repealed by 64, 1999, s. 6(zw)</b>
Section 779a:	amended by 32, 1978, s. 91 (Sched.); repealed by 39, 1999, Sched. cl. 5
Section 779b:	amended by 32, 1978, s. 91 (Sched.); repealed by 39, 1999, Sched. cl. 5
<b>Section 780:</b>	amended by 32, 1978, s. 91 (Sched.); 34, 1984, s. 30; <b>repealed by 64, 1999, s. 6(zx)</b>
<b>Section 780a:</b>	amended by 32, 1978, s. 91 (Sched.); substituted by 104, 1983, s. 7; <b>repealed by 64, 1999, s. 6(zx)</b>
<b>Section 781:</b>	amended by 32, 1978, s. 91 (Sched.); 13, 1985, s. 48; <b>repealed by 64, 1999, s. 6(zx)</b>
<b>Section 781a:</b>	amended by 32, 1978, s. 91 (Sched.); <b>repealed by 64, 1999, s. 6(zx)</b>
Section 782:	amended by 32, 1978, s. 91 (Sched.); 34, 1996, s. 4 (Sched. cl. 23); repealed by 39, 1999, Sched. cl. 6
Section 782a:	amended by 32, 1978, s. 77, 91 (Sched.); repealed by 39, 1999, Sched. cl. 6
Section 783:	repealed by 12, 1976, s. 71
<b>Section 784:</b>	amended by 32, 1978, s. 91 (Sched.); <b>repealed by 64, 1999, s. 6(zy)</b>
<b>Section 785:</b>	amended by 32, 1978, s. 91 (Sched.); <b>repealed by 64, 1999, s. 6(zy)</b>
<b>Section 786:</b>	amended by 32, 1978, s. 91 (Sched.); <b>repealed by 64, 1999, s. 6(zy)</b>
<b>Sections 787 and 788:</b>	amended by 32, 1978, s. 91 (Sched.); <b>repealed by 64, 1999, s. 6(zy)</b>
<b>Section 789:</b>	amended by 32, 1978, s. 91 (Sched.); 13, 1985, s. 49; <b>repealed by 64, 1999, s. 6(zy)</b>
Section 789a(1):	amended by 69, 1990, s. 25(a)
Section 789a(2):	amended by 32, 1978, s. 91 (Sched.)
Section 789a(3):	repealed by 69, 1990, s. 25(b)
Section 789b:	inserted by 69, 1990, s. 26; substituted by 43, 1992, s. 24; amended by 34, 1996, s. 4 (Sched. cl. 23)
Section 789c:	inserted by 69, 1990, s. 26
Section 789d:	inserted by 69, 1990, s. 26; substituted by 34, 1996, s. 4 (Sched. cl. 23)
Section 789d(6):	inserted by 43, 1992, s. 25
<b>Section 791:</b>	<b>amended by 32, 1978, s. 91 (Sched.); 64, 1999, s. 6(zz)</b>
Section 793(1) and (2):	amended by 59, 1994, Sched. 2
Section 794a:	inserted by 33, 1978, s. 8; amended by 50, 1979, s. 10; 27, 1983, s. 23; 12, 1986, s. 38; 33, 1988, s. 41; 69, 1990, s. 27 substituted by 34, 1996, s. 4 (Sched. cl. 23)
Section 794b:	inserted by 33, 1978, s. 8; amended by 89, 1980, s. 8; 58, 1984, s. 47(c); repealed by 39, 1999, Sched. cl. 7
Section 794c:	inserted by 50, 1979, s. 11; amended by 69, 1990, s. 28; repealed by 34, 1996, s. 4 (Sched. cl. 23)
 Part XLIII comprising ss. 795 - 832a and heading amended by 77, 1976, ss. 66 - 78; 1, 1977, ss. 15 - 17; 32, 1978, ss. 78 - 81, 91 (Sched.); 88, 1980, ss. 51 - 62; 61, 1981, s. 5; 103, 1983, s. 11; repealed by 58, 1984, s. 41	
 Part XLIV comprising ss. 832b - 847 and heading amended by 77, 1976, ss. 79 - 91; 32, 1978, ss. 82 - 85, 91 (Sched.); 88, 1980, ss. 63 - 65; repealed by 58, 1984, s. 41	
 <b>Part XLV</b> comprising ss. 848 - 871t and headings amended by 77, 1976, ss. 92-94; 32, 1978, ss. 86, 87, 91 (Sched.); 88, 1980, ss. 66-68; 103, 1983, ss. 12, 13; 34, 1984, s. 31; 58, 1984, ss. 42, 47(a), (c); 12, 1986, s. 39; 33, 1988, ss. 42-45; 29, 1992, s. 26; 54, 1992, s. 2; 30, 1994, Sched. 4 cl. 2(a)(vi)-(ix); 37, 1995, Sched. 2; 96, 1996, Sched. 1 cl. 2(i); 28, 1998, s. 2; <b>repealed by 64, 1999, s. 6(zza)</b>	
 Part XLVA comprising ss. 871ta - 871xc and heading amended by 17, 1980, s. 6; repealed by 34, 1984, s. 32	
<b>Section 872:</b>	<b>repealed by 64, 1999, s. 6(zzb)</b>
Section 874(1):	amended by 58, 1984, s. 47(c); substituted by 33, 1988, s. 46

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Section 874(1a):	inserted by 33, 1988, s. 46
Section 874(2):	amended by 33, 1978, s. 9; 29, 1992, s. 27
Section 875:	amended by 12, 1976, s. 72; 32, 1978, s. 88; 88, 1980, s. 69; 58, 1984, s. 47(c); repealed by 33, 1988, s. 47
<b>Section 877:</b>	amended by 17, 1980, s. 7; repealed by 12, 1986, s. 40; inserted by 33, 1988, s. 48; <b>repealed by 64, 1999, s. 6(zzc)</b>
<b>Section 877a:</b>	inserted by 33, 1988, s. 48; <b>repealed by 64, 1999, s. 6(zzc)</b>
<b>Sections 878 and 879:</b>	<b>repealed by 64, 1999, s. 6(zzc)</b>
<b>Section 879a:</b>	inserted by 58, 1984, s. 43; <b>repealed by 64, 1999, s. 6(zzc)</b>
<b>Section 880a:</b>	<b>repealed by 64, 1999, s. 6(zzd)</b>
<b>Section 880b:</b>	inserted by 33, 1988, s. 49; <b>repealed by 64, 1999, s. 6(zzd)</b>
<b>Section 881:</b>	amended by 88, 1980, s. 70; <b>repealed by 64, 1999, s. 6(zzd)</b>
Section 882:	deleted in pursuance of the <i>Acts Republication Act, 1967</i> , as it is now obsolete
Section 883:	repealed by 12, 1986, s. 40; inserted by 55, 1986, s. 3
Section 883(3)(c):	repealed by 12, 1987, s. 4
Section 885:	deleted in pursuance of the <i>Acts Republication Act, 1967</i> , as it is now obsolete
Section 886:	deleted in pursuance of the <i>Acts Republication Act, 1967</i> , as it is now obsolete
Sections 886a and 886b:	repealed by 12, 1986, s. 41
Section 886ba:	inserted by 112, 1981, s. 2
Section 886ba(1):	substituted by 76, 1997, s. 3(a)
Section 886ba(2) - (4):	deleted in pursuance of the <i>Acts Republication Act, 1967</i> ; inserted by 76, 1997, s. 3(a)
Section 886ba(4a):	inserted by 76, 1997, s. 3(a)
Section 886ba(6):	amended by 76, 1997, s. 3(b)
Section 886bb:	inserted by 76, 1997, s. 4
<b>Section 886c:</b>	<b>repealed by 64, 1999, s. 6(zze)</b>
<b>Section 886d:</b>	inserted by 9, 1982, s. 3; amended by 33, 1988, s. 50; 69, 1990, s. 29; <b>repealed by 64, 1999, s. 6(zze)</b>
<b>Section 887:</b>	<b>repealed by 64, 1999, s. 6(zze)</b>
Section 889:	amended by 12, 1976, s. 73; 77, 1976, s. 95; repealed by 34, 1984, s. 33; inserted by 33, 1988, s. 51
Section 890:	inserted by 69, 1990, s. 30
	Part XLVII comprising s. 894 and heading repealed by 12, 1986, s. 42
	Part XLVIII comprising ss. 907 - 908 and heading repealed by 12, 1986, s. 43
First Schedule:	deleted in pursuance of the <i>Acts Republication Act, 1967</i> , as its function is now exhausted
Second Schedule:	amended by 77, 1976, s. 96; repealed by 58, 1984, s. 44
Fifth Schedule:	amended by 77, 1976, s. 97; 88, 1980, s. 71; 27, 1983, s. 24; repealed by 58, 1984, s. 44
Sixth Schedule:	repealed by 58, 1984, s. 44
Seventh Schedule:	amended by 58, 1984, s. 47(d); repealed by 33, 1988, s. 52
Ninth and Tenth Schedules:	repealed by 32, 1978, s. 89
Eleventh Schedule:	amended by 58, 1984, s. 47(b); repealed by 33, 1988, s. 52
Thirteenth Schedule:	amended by 58, 1984, s. 47(b); repealed by 33, 1988, s. 52
<b>Fourteenth Schedule:</b>	amended by 88, 1980, s. 72; 9, 1990, s. 42 (Sch.); <b>repealed by 64, 1999, s. 6(zzf)</b>
<b>Fifteenth Schedule:</b>	<b>repealed by 64, 1999, s. 6(zzf)</b>
Sixteenth Schedule:	repealed by 109, 1978, s. 37(1)(f)
Seventeenth Schedule:	repealed by 12, 1986, s. 44
Eighteenth Schedule:	amended by 88, 1980, s. 73; repealed by 58, 1984, s. 45
Nineteenth Schedule:	amended by 77, 1976, s. 98; repealed by 58, 1984, s. 45
Twentieth Schedule:	repealed by 33, 1988, s. 52
<b>Twenty-first Schedule:</b>	<b>repealed by 64, 1999, s. 6(zzf)</b>
Twenty-second Schedule:	amended by 58, 1984, s. 47(d); repealed by 33, 1988, s. 52

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APPENDIX

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**Local Government Act, 1934**

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Twenty-third Schedule:

amended by 32, 1978, s. 90; repealed by 58, 1984, s. 46

Twenty-fourth Schedule:

repealed by 34, 1984, s. 34